

The Second Division consisted of the regular members and in addition Referee Martin I. Rose when award was rendered.

Parties to Dispute: ( System Federation No. 1, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Boilermakers)  
(  
( Pittsburgh and Lake Erie Railroad Company

Dispute: Claim of Employees:

1. That Boilermaker, S. Snowden was improperly dismissed from service following investigation held on February 14 and 18, 1975.
2. That accordingly the Carrier be ordered to reinstate the aforementioned Boilermaker to service with all seniority rights unimpaired, all lost wages, Health and Welfare, Life Insurance, Vacation and Holiday pay now in effect and any additional benefits that may be negotiated as a result thereof until he is restored to service.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

As of February 4, 1975, Claimant was held out of service "due to being in an improper condition for work". He was notified to attend hearing on charges of absence from his assigned duty station, "being observed ... in an unfit condition for work", insubordination and other improper actions specifically alleged therein. On the basis of findings, after the hearing, that he had committed the offenses with which he was charged, Claimant was dismissed from service on March 4, 1975.

Petitioner contends that such findings and action of the Carrier are untenable on the record.

We have examined the record with care and find that there is substantial testimony which, if credited in preference to contradictory and conflicting testimony, sustains the Carrier's determinations. It is well established that in discipline cases this Board is not at liberty to weigh conflicting versions

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of the incidents involved and determine credibility but must yield to the carrier's findings if they are supported by credible, though undisputed evidence. Accordingly, no valid basis appears for disturbing Carrier's findings or substituting our conclusions for that of the Carrier in the instant case.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By Rosemarie Brasch  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 4th day of January, 1977.