

The only two issues of fact before the Board in the instant case are the following: (1) was Claimant given a direct order by a superior? and did he disobey it? and (2) did Claimant use abusive language to superiors? It is clear from the hearing notes that at about 8:00 A.M. on March 1, 1979 Claimant was given a direct order by Mr. W. L. Mathews, Assistant Shop Foreman, to put on

his safety glasses. The existence of this order is not in dispute. Whether Claimant obeyed this order or not is. Mr. Mathews stated in hearing that Claimant did not obey this order which is why Shop Foreman, Mr. W. A. Roll was called to the scene. Mr. Roll, in turn, stated in hearing that he then gave Claimant an order to put on his safety glasses and that Claimant did so. There would have clearly been no reason for Mr. Roll to tell Claimant to put on his safety glasses if he had been already wearing them. Furthermore, two of the witnesses called to the hearing stated that Claimant did not put on his glasses immediately when asked to do so by Mr. Mathews. Claimant, on the other hand, contravenes this testimony by the above four witnesses cited. With respect to the second issue in this case, both the hearing record and the personal written statement of the Claimant himself support the contention, whatever the Claimant's motives which are not at question here, that the Claimant did address his superiors in language which, if not considered vile and obscene by some was, at the very least, less than polite and considerate.

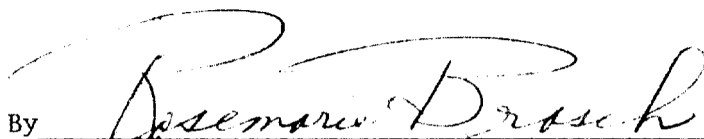
It is not the role of the Board, which serves an appellate function, to resolve issues of credibility, nor to substitute its judgment for that of Carriers in discipline cases. Its role is to determine if there is substantial evidence to sustain a finding of guilt (See inter alia Second Division Awards 7325, 7912, 7955 and 1809, 6048 and 6372). It is the Board's view that this test of substantial evidence has been met in the instant case on both issues under consideration.

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 - Administrative Assistant

Dated at Chicago, Illinois, this 3rd day of March, 1982.