

It is well established that in discipline cases this Board does not hold the carrier to the degree of proof required in criminal cases. For that reason we have held that circumstantial evidence can be sufficient to meet the burden of proof required in these cases. There must, however, be more than scintilla of evidence upon which the finding is based. The evidence in the present case is so paltry that we must find that the carrier has not met the burden we require; that substantive evidence of probative value be adduced to support the charge.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:

E. A. Killen

Executive Secretary

Dated at Chicago, Illinois, this 18th day of June, 1973.