

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

Parties to Dispute: (International Brotherhood of Electrical Workers
(National Railroad Passenger Corporation

Dispute: Claim of Employees:

1. That the National Railroad Passenger Corporation (AMTRAK) violated Rule 23 of the controlling agreement effective September 1, 1975 when they denied Electrician S. G. Jones the right to a fair and impartial investigation on April 11, 1980, subsequently, unfairly and unjustly assessed him thirty (30) days suspension as per Notice No. Two dated April 22, 1980 plus, in Notice No. Three dated April 22, 1980, activating fifteen (15) days deferred suspension as per Notice No. One dated January 28, 1980.
2. That, accordingly, Electrician S. G. Jones immediately be returned to the service of the Carrier and made whole all seniority rights, vacation rights, holidays, health and welfare benefits and all other benefits that are a condition of employment unimpaired and compensated:
 1. eight (8) hours at the punitive rate for April 11, 1980;
 2. eight (8) hours at the straight time rate, five (5) days a week commencing April 26, 1980 and continuous until returned to service or until June 4, 1980 inclusive; plus 6% annual interest for all such lost wages;
 3. eight (8) hours at the straight time rate, five (5) days a week commencing June 4, 1980 and continuous until returned to service or June 27, 1980 inclusive, plus 6% annual interest for all such lost wages.

Findings:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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.

Claimant S. G. Jones, an Electrician and Local Chairman at Carrier's Facility in Kansas City, Missouri, was charged on March 25, 1980 with

Failure to perform your duties as an Electrician on Train 304 as directed by your Supervisor on March 16, 1980, thereby violating Rules H, I, K and Y of the NRPC Rules of Conduct.

A hearing into the matter was held on April 11, 1980. At the conclusion of that hearing, Claimant was found guilty as charged and assessed a 30-day suspension.

A review of the hearing Transcript and the additional documents making up the record of this case reveals that the Foreman contends that he gave the Claimant a direct order to make repairs on Train 304. It also reveals that Claimant denies that any orders were given to him by the Foreman.

In deciding who is telling the truth, a trier of the facts must make certain credibility judgments. In this case, the Hearing Officer concluded that the orders were given to the Claimant and he did not obey them. We find nothing in the record to authorize this Board to set aside Carrier's decision on the credibility question.

This Board has also reviewed the record of this case with Petitioner's claim of procedural violations in mind. We can find no support for its position. Claimant was afforded all rights granted him by Agreement and was found guilty as charged. This Board shall deny the instant claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 17th day of April 1985.