

Award No. 4670
Docket No. DC-4873

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYES—Local No. 351

CHICAGO & EASTERN ILLINOIS RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the Joint Council Dining Car Employees Union, Local 351, on the property of the Chicago and Eastern Illinois Railroad Company for and in behalf of Charles R. Williams, waiter, that his record be cleared of the charges placed against him and that he be compensated for net wage loss suffered by him because of discipline imposed in violation of Rule 3(a) of the Current Agreement.

OPINION OF BOARD: Claimant was given a suspension of thirty days on the charge of misconduct on duty, including improper attitude toward supervisory officer, abuse and using profane language.

The discipline imposed was based on two separate occurrences reported by claimant's supervisor, the Dining Car Steward, who was Carrier's chief witness at the hearing held on appeal. Claimant denies, in main, the charges of his supervisor.

As we said in Award 4479 "It is the rule that this Board will not resolve questions as to the credibility of witnesses or the weight to be given to their testimony".

Based upon the evidence of record we are in no position to say that the investigation was not fair and impartial nor that the testimony of the Carrier's chief witness was discredited as contended.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That no basis exists for disturbing the action of the Carrier in this instance.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois this 21st day of December, 1949.