

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21220
Docket Number SG-21321

Dana E. Eischen, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Robert W. Blanchette, Richard C. Bond
(and John Ii. McArthur, Trustees of the
(Property of Penn Central Transportation
(Company, Debtor

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood
of Railroad Signalmen on the former Pennsylvania
Railroad Company:

System Docket 1114
Eastern Region. Harrisburg Division

Appeal of discipline assessed W. J. Keyek- dismissed in all
capacities.

OPINION OF BOARD: Claimant, an Assistant Foreman C&S, entered Carrier's
service in 1945, and served without any negative
Incidents on his record before the instant offense. In November 1974 he
was charged with falsification of time cards, granted a hearing and sub-
sequently discharged on the basis of the record established at that hearing.

The limitations on our power of review are so well established
that elaborate documentation is not necessary here. In our appellate
capacity we do not weigh the evidence de novo, resolve conflict of fact
or pass upon the credibility of witnesses. Nor do we substitute our
judgment for that of Carrier relative to the quantum of discipline assessed
when there is substantial record evidence in support of the charge, unless
the discipline assessed is unreasonably disproportionate given all of the
facts and circumstances.

There is substantial evidence in this record, including Claimant's
admission at the hearing, to support Carrier's assessment of discipline.
But, the Claimant's 30 years of unblemished service with a special commenda-
tion -- when viewed in conjunction with his reason for participation in
the matters for which disciplined, coupled with his desire to make restitu-
tion in full to the Carrier -- leads us to believe that discipline has
served its purpose, for he has been out of service since November 22, 1974.
Claimant should be restored to service with seniority unimpaired but with-
out compensation. However, as a condition precedent to such restoration
he will make full restitution as promised.

FINDINGS: The *Third* Division of the *Adjustment Board*, upon the whole record and **all** the evidence, finds and holds:

That the **parties** waived oral hearing;

That the Carrier and the **Employees involved** in this dispute are respectively carrier and **Employees** 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 the Agreement **was** violated to the extent indicated **in** the **Opinion**.

A' W A R D

Claim sustained, **discipline** modified **as** shown in the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By order of Third Division

ATTEST: *A. W. Pauls*
Executive Secretary

Dated at Chicago, Illinois, this 31st day of August 1976.