

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22028
Docket Number CL-22899

Paul C. Carter, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(Chicago, Rock Island and Pacific Railroad Company
((William M. Gibbous, Trustee)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-8795)
that:

(a) The Carrier violated the **Clerks' Agreement**, particularly **Rules 39 and 44** when on **June 21, 1977** Clerk **Harold Coleman**, Chicago, **Illinois** was dismissed from the **service** of the Carrier as a direct result of an investigation held in the office of the Carrier, Chicago, **Illinois** on June 15, 1977.

(b) The Carrier shall reinstate Clerk **Coleman** with all rights, **benefits and privileges unimpaired** and his **personal** record with the Carrier shall be **cleared** with no reference to the **charges** brought **against** him on May 24, 1977 or the discipline resulting therefrom.

(c) The Carrier shall **now be** required to **reinstate** Clerk **Coleman**, with full pay for all **time** lost at the rate of the **Time and Mileage** Clerk position, **\$1,121.19** per month, the position to which he was assigned at the **time** of his termination.

OPINION OF BOARD: **Claimant was** the occupant of position of **Time and Mileage** Clerk **in** Carrier's Accounting Office in Chicago, Illinois.
On May 24, 1977, he was notified in part:

'You are hereby notified that an investigation will **be held** at 10:00 AM **on** Friday, May 27, 1977 in the office of Mr. **J. J. Hartman** to develop the facts, discover the **cause**, and determine your responsibility, if any, for your **being** insubordinate and for **uncourteous** deportment in violation of General **Rule N and Rule 14** of the Accounting Department Office **Rules and Regulations**. The **violation** of **these** rules occurred on **May 23, 1977** at 745 S. **LaSalle** Street, Tenth Floor."

Following **postponements**, the **investigation was conducted** on June 15, 1977. On June 21, 1977, **claimant** was notified of **his** dismissal from **service**:

"You are hereby notified **that** your employment with **this company** and all seniority rights held by you have been terminated as of June 21, 1977, because of your being insubordinate **and for uncourteous** deportment on May 23, 1977 **in violation** of General Rule N **and** Rule 14 of the Accounting Department Office Rules and Regulations."

Carrier's General Rule N and Rule 14 of the Accounting Department Office Rules and Regulations, read in part:

"(N) **Courteous deportment** is required of all employees in their dealings with the public, their subordinates ad each other.

Employees **must** not be:

* * *

- (3) Insubordinate
- (4) Quarrelsome or otherwise vicious.

* * *

- (14) Courtesy - Employees are urged to be **courteous** in their dealings with each other and/or those with whom they contact as representatives of the Sock **Island**. The importance of courtesy and consideration of others in business **relations** is dictated by the principle that **good manners** are important anywhere."

A copy of the transcript of the investigation conducted on June 15, 1977, **has** been **made** a part of the record. Upon careful review of the transcript we find that none of **claimant's** substantive procedural **rights** **was** violated.

In the investigation there were conflicts between the **testimony** of claimant and that of his supervisor - the only two who testified. It la vell settled that this Board will not attempt to resolve **conflicts** in **testimony**, weigh the evidence, or **pass** upon the credibility of witnesses.

These functions **are** reserved to the Carrier. There was nothing to preclude **the** Carrier from relying upon the testimony of claimant's supervisor even though it **was** not corroborated by another witness.

Baaed upon the record before the Board, and **considering** claimant's prior disciplinary record, we do not **find** Carrier's actions in **dismissing** claimant from the service to be arbitrary, capricious or **in** bad faith.

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 Employee **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 the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 30th day of April 1980.