

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 H. 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 conflicts 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:

  
Executive Secretary

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