

PUBLIC LAW BOARD 2366

Illinois Central Gulf Railroad	:	
	:	Award No. 107 <del>92</del>
v.	:	Docket No. 107
	:	
Brotherhood of Maintenance of	:	
Way Employees	:	

STATEMENT OF CLAIM

Claim of G. A. Moody for reinstatement with pay for all time lost following his dismissal on June 18, 1985.

OPINION OF THE BOARD

The Claimant was a General Foreman and the evidence of record indicates that on a number of occasions he instructed Trackmen to pick up drums of diesel fuel and transport them by company vehicle to certain property that he had rented in Harvey, Illinois. The evidence indicated that the Claimant filled the tank of his privately owned vehicle from the drums.

The Claimant denied culpability and, in essence, stated that the two individuals who delivered the fuel at his instruction were not telling the truth.

This Board has stated on a number of occasions that it is not incumbent upon us to substitute our judgment for that of the Carrier when the record contains sufficient substantive evidence to justify the Carrier's conclusion of guilt. Certainly, there is sufficient evidence in this case to justify that conclusion and we are disinclined to disturb it.

FINDINGS

The Board, upon consideration of the entire record and all of the evidence finds:

The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

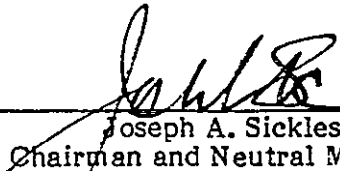
This Board has jurisdiction over the dispute involved herein.


The parties to said dispute were given due and proper notice of hearing thereon.

2366-92

AWARD

Claim denied.

  
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Joseph A. Sickles  
Chairman and Neutral Member

  
\_\_\_\_\_  
A. S. Gibbins  
Carrier Member

  
\_\_\_\_\_  
Hugh Harper  
Organization Member

  
\_\_\_\_\_  
Date