

PUBLIC LAW BOARD NO. 2366

AWARD NO. 10

CASE NO. 20

CASE #1275

FILE: C-100-T-79

PARTIES TO DISPUTE:

Illinois Central Gulf Railroad Company

and

Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM

"(1) The dismissal of Trackman Willie L. Glass, Jr., was without just and sufficient cause and on the basis of unproven charges.

(2) The Claimant shall be afforded the remedy prescribed in Rule 33(i)."

OPINION OF BOARD

Subsequent to an investigation, the Claimant was found to be in violation of Rule "K" when he was involved in an altercation with his Section Foreman, which resulted in the Claimant striking said Foreman. The Employee was dismissed from service as a result of that finding.

The Organization asserted that no one saw the alleged conflict, so that the matter resulted in the Foreman's word against that of the Employee.

The Board is not constituted to resolve conflicts in testimony and to make credibility determinations. Rather, our role is confined to assuring that the Carrier presented sufficient evidence which, if believed, warrants the findings and supports the imposition of discharge. Such test is met in this case.

FINDINGS

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

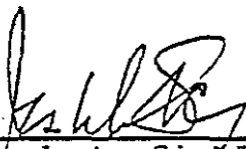
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

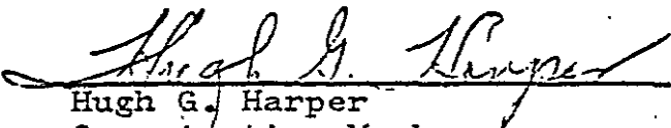
This Board has jurisdiction over the dispute involved herein.


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

AWARD

Claim denied.

  
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Joseph A. Sickles  
Chairman and Neutral Member

  
\_\_\_\_\_  
Hugh G. Harper  
Organization Member

  
\_\_\_\_\_  
R. G. Richter  
Carrier Member

7/18/80  
\_\_\_\_\_  
DATE