

PUBLIC LAW BOARD NO. 2366

AWARD NO. 42

DOCKET NO. 54

BMW NO. SL-321-T-81

ICG NO. 1461

PARTIES TO DISPUTE:

Illinois Central Gulf Railroad Company

and

Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM

- "(1) The sixty (60) day suspension assessed C. R. Kaemmerer, Sr., for alleged insubordination was without just and sufficient cause and on the basis of unproven and disproven charges...
- "(2) Foreman C. R. Kaemmerer, Sr., shall be compensated for all wage loss suffered."

OPINION OF BOARD

The Claimant was notified to attend an Investigation to determine whether or not he failed to follow certain instructions concerning giving permission to employees lay off of work.

Subsequent to the Investigation the Claimant was assessed a sixty (60) day suspension.

According to the General Foreman, the Claimant was told that he (General Foreman) would not give his permission for certain gang members to be off on requested days and further that the Claimant was instructed not to give permission to the men to be off.

At the Investigation the Claimant denied that he had received such an order. Although he admits that there was a discussion with the General Foreman, the Foreman stated that if it was "...up to him that he would not give them

the day off..."

The Organization asserts that other employees verified the position of the Claimant in this case whereas the General Foreman insists that he had told the entire gang during a morning meeting that neither he nor the Claimant would give permission to be absent on the Friday in question.

We have ruled on numerous occasions that it is not incumbent upon a Board such as this to substitute our judgment for that of the Carrier concerning matters of credibility determination and we find nothing of record that would compel us to set this disciplinary action aside.

#### FINDINGS

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

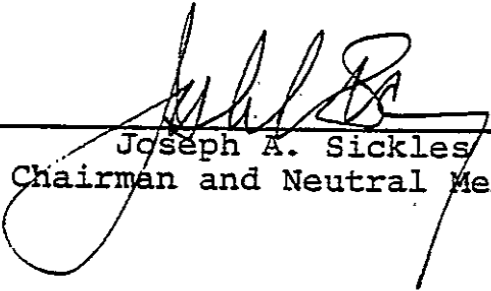
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.


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

  
\_\_\_\_\_  
J. G. Gibbins  
Carrier Member

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

  
\_\_\_\_\_  
DATE