

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

versus

MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT

OF CLAIM:

Claim of the System Committee that:

- "1) Carrier violated the agreement on October 15, 1982, when Trackmen L. B. Blunt and L. Johnson System Rail Gang 6801, were dismissed from service for alleged possession of narcotics and/or controlled substances while on company property and/or while on duty October 15, 1982, in the vicinity of Hillsboro, Illinois.
- 2) Claimants shall now be returned to service with all rights unimpaired and paid for all time lost beginning October 15, 1982."

FINDINGS:

The basic issue in this claim involves the Carrier's crediting of the testimony of two special agents instead of that of the claimants. It is a long standing rule that credibility of witnesses at an investigation is determined by the Carrier. This board does not see or hear the witnesses and we have no basis for evaluating the propriety of the Carrier's determination thereon.

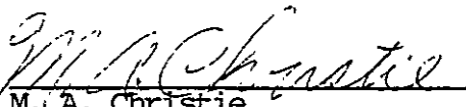
Under the circumstances we are constrained to deny the claim.

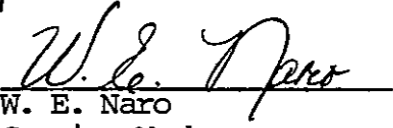
AWARD:

Claim denied.

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Dudley E. Whitting - Chairman


M. A. Christie
Employee Member


W. E. Naro
Carrier Member

November 1, 1984

File: 247-6509