

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**FOURTH DIVISION**

Referee John H. Dorsey

**PARTIES TO DISPUTE:**

**LIGHTER CAPTAINS' UNION, LOCAL 996, ILA, AFL-CIO**

**PENN CENTRAL COMPANY  
(Formerly The Pennsylvania Railroad Company)**

**STATEMENT OF CLAIM:** Lighter Captain Henry A. Camp was ordered to stand trial by the former Pennsylvania R. R. Co. on April 6, 1967. The charge:

"Failed to properly comply with Safety Rule No. 9016 and Rule No. 55 of the Rules of the Marine Dept. on PRR Barge No. 230 at Greenville, N. J. about 12:15 P.M. Feb. 20, 1967."

We feel that Capt. Camp should not have been tried and disciplined with five days' suspension. On the day of the alleged incident Capt. Camp was busy during the morning of Feb. 20 salting down his barge to prevent anybody from being injured by slipping on the ice. We do not feel that a Captain can do all things at the same time and they must be taken care of in their proper turn. We desire to have this suspension removed from Capt. Camp's record and have him reimbursed for the five days' pay lost as the result of this improper discipline.

**OPINION OF BOARD:** Claimant was employed as a Barge Captain. On February 20, 1967, he was Captain on Barge No. 230 at Greenville, New Jersey. On that date his barge was inspected by the Marine Foreman. As a result Claimant was instructed to attend trial on the following charge:

"Failed to properly comply with Safety Rule No. 9016 and Rule No. 55 of the Rules of the Marine Department on PRR Barge No. 230 at Greenville, New Jersey about 12:15 P.M., February 20, 1967."

Trial was held on April 6, 1967. Claimant was found guilty as charged and given a 5-day suspension. The Organization petitioned this Board to: (1) set aside Carrier's finding of guilt; (2) have Claimant's record cleared; and (3) award that Carrier reimburse Claimant for the five days' pay lost as the result of this improper discipline."

The jurisdiction of this Board in discipline cases is limited to reviewing the record made on the property to determine whether: (1) the employe charged was afforded due process; (2) Carrier's finding of guilt as charged, in whole or in part, is supported by substantial evidence; and (3) the discipline imposed was reasonable.

Substantial evidence is that material and relevant evidence which if believed by the trier of facts supports the findings made. When there is conflicting testimony the determination of credibility, generally, is exclusively reserved to the trier of the facts who has observed the demeanor of the witnesses.

From our review of the record in this case we find: (1) Claimant was afforded due process; (2) it contains substantial evidence supporting Carrier's finding of guilty; and (3) the discipline imposed was reasonable. We, therefore, must deny the claim.

**FINDINGS:** The Fourth Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier and the employe involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

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

The parties to said dispute waived right of appearance at hearing, but were granted privilege of appearing before the Division, with the Referee sitting as a member thereof, to present oral argument.

The Carrier did not violate the Agreement.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of FOURTH DIVISION

ATTEST: Muriel L. Humfreville  
Secretary

Dated at Chicago, Illinois, this 10th day of December, 1968.