

The Second Division consisted of the regular members and in addition Referee David P. Twomey when award was rendered.

Parties to Dispute: (Sheet Metal Workers' International
(Association
(
(Penn Central Transportation Company

Dispute: Claim of Employees:

1. Certainly discipline was proper for claimant's conduct but in view of the claimant's long record of good conduct, dismissal from service was unjustified (harsh). The time he has now been held out of service is ample punishment.
2. We therefor request reinstatement with full seniority rights but without compensation for wage loss.

Findings:

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

The carrier or carriers and the employe or employes 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.

Parties to said dispute were given due notice of hearing thereon.

The Claimant, an employe with 30 years of service and a good employment record was charged as follows:

"Conduct unbecoming an employe of the Penn Central Transportation Company. Unauthorized possession of Company material: 5 packages of paper towels, 6 rolls of toilet paper, 14 plastic bags, on January 11, 1973, approximately 9:45 A.M., Pennsylvania Station, New York."

That the Claimant is guilty of the charge is without doubt. Under the extremely narrow circumstances contained in the record of the instant case, we find the discipline of dismissal to be excessive. We order

that the Claimant be returned to service without back pay, but with seniority rights unimpaired; and that the disciplinary proceedings be made part of his permanent record. It should be pointed out that neither this Board nor the Organization condones the conduct of the Claimant on the morning of January 11, 1973; and needless to say, any repetition of such conduct is justification for immediate and final discharge.

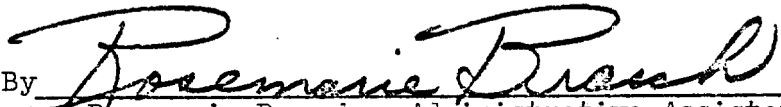
A W A R D

Claim sustained as per Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 2nd day of May, 1975.