

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

Parties to Dispute: (System Federation No. 6, Railway Employees'
(Department, A. F. of L. - C. I. O.
(Carmen
(Elgin, Joliet and Eastern Railway Company

Dispute: Claim of Employees:

1. That Carman David L. Cato was unjustly dismissed from the services of the Elgin, Joliet and Eastern Railway Company.
2. That the Elgin, Joliet and Eastern Railway Company be ordered to reinstate Carman Cato to service with all seniority rights, vacation rights, sick leave benefits, and all other benefits that are a condition of employment unimpaired, compensation for all time lost from January 28, 1974, plus 6% annual interest, and also reimbursement for all losses sustained account loss of coverage under Health and Welfare and Life Insurance Agreements while held out of service.

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 waived right of appearance at hearing thereon.

The record in this case reveals that the claimant was discharged from service of Carrier for the reason that he was found guilty of theft of brass journal bearings which were the property of Carrier.

The evidence of record reveals conclusively that the claimant was afforded a fair and impartial investigation and from the facts adduced at such investigation there is no question relative to the claimant's guilt.

Theft is a very serious offense and the penalty of discharge imposed on the claimant was certainly not excessive or arbitrary and this Board in many cases has so held. For example, see Second Division Awards 6615, 6214, 3834, 1860, 1776, 56; Third Division Award 20292; Fourth Division Awards 3066, 3033 and 2269. Accordingly we will deny the claim.

A W A R D

Claim denied.

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 20th day of February, 1976.