

The Second Division consisted of the regular members and in addition Referee James C. McBrearty when award was rendered.

Parties to Dispute: ( System Federation No. 109, Railway Employees'  
( Department, A. F. of L. - C.I. O.  
( (Carmen)  
(  
( Consolidated Rail Corporation (RDG)

Dispute: Claim of Employees:

1. That under the controlling agreement Coach Cleaner Ronald Adams was improperly and unjustly dismissed from the services of the Reading Company September 24, 1974.
2. That accordingly, Coach Cleaner Ronald Adams, be restored to service with all seniority and service rights unimpaired, paid for all time lost, including all other benefits attached to his employment plus 6% interest on all monies due him since August 17, 1974.

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.

Claimant was a Coach Cleaner employed by Carrier on February 10, 1974. Claimant was notified by Carrier on September 26, 1974, that he was being dismissed from service effective September 20, 1974 as a result of an investigation held on August 26 and 27, 1974. According to Carrier this investigation established Claimant's guilt in the theft and forging of another employee's check in the amount of \$48.31 at 7:30 AM on August 10, 1974.

First, we do not find that any of Claimant's substantive procedural rights were violated.

Turning to the merits of the case, we find that Claimant's culpability has been established by substantial evidence in the record.

There are several serious infractions widely recognized in industrial arbitration as justifying discharge for the first offense, without regard to the employee's prior record or length of service. Theft of another employee's pay check and forging of same is certainly one of them.

We can find no basis on which to substitute our judgment for that of Carrier in this instance.

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  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 8th day of September, 1977.