

The Second Division consisted of the regular members and in addition Referee Robert A. Franden when award was rendered.

Parties to Dispute: ( System Federation No. 7, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Electrical Workers)  
(  
( Burlington Northern Inc.

Dispute: Claim of Employee:

1. That in violation of the current working agreement, Mr. Praites Wilson, Electrician, North Kansas City Diesel facility, Kansas City, Missouri, was unjustly dismissed from the service of the Burlington Northern Inc. on July 19, 1975.
2. That accordingly, the Burlington Northern Inc. be ordered to make whole Mr. Wilson, restoring him to his regular position of Electrician at North Kansas City, with all seniority, railroad retirement, holidays, vacation, hospitalization and any other rights, privileges or benefits allowable under rules, agreements, or laws and compensated for all lost time.

Findings:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

This is a discipline case.

Claimant was dismissed from the service of the carrier after an investigation, held pursuant to notice requesting claimant to appear "for the purpose of ascertaining the facts and determining your responsibility in connection with the alleged finding of railroad property in your personal automobile at approximately 11:50 p.m., June 15, 1975 while your automobile was parked at the Burlington Northern Roundhouse Parking Lot at North Kansas City, Missouri."

The claim herein is based on two grounds. 1) That the notice of the investigation was not sufficient and 2) that the penalty was too severe in light of the claimant's 22 years of employment with the carrier.

We have examined the record in this matter and find the claimant's allegations to be wanting. There is no question but that the notice given was sufficient to advise the claimant of the offense with which he was charged. We are unable to sustain the claimant's allegation of a procedural defect in this regard.

Further, the allegation of the claimant that the penalty was too severe fails. The charge of dishonesty is serious. The Record indicates that there is sufficient evidence of probative value to sustain the charge and we will not substitute our judgment for that of the carrier in imposing the penalty of dismissal for this type of activity committed by an employee.

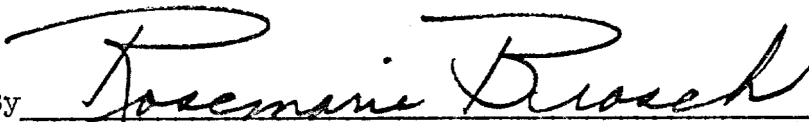
A W A R D

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 14th day of October, 1977.