

PARTIES TO DISPUTE:

( Sheet Metal Workers' International Association  
{  
and  
{  
Norfolk & Western Railway Company

1. That under the terms of the controlling agreement, Helper Molder, G. W. Morris was informed that as of a result of investigation held on July 27, 1977, he was dismissed from all services with the Norfolk and Western Railway Company as of August 9, 1977.
2. That accordingly, the Norfolk and Western Railway Company be ordered to reinstate Molder Helper, G. W. Morris and remove all references to this investigation from the Claimant's record, that he be paid in the amount of eight (8) hours at the pro rata rate for each day of his work week assignment beginning on the actual day of suspension as of the date of August 10, 1977, with 6% annual interest. Also, that he be restored to service with all rights unimpaired, health and welfare benefits restored including all seniority and vacation rights as if he had continued in the service of the Norfolk and Western Railway Company from the above date.

Parties to said dispute waived right of appearance at hearing thereon.

Award No. 8205  
Docket No. 7940  
2-N&W-SM-'79

Pursuant to investigation properly held the claimant was dismissed from the service of the carrier after having been found to have violated a company regulation by having been convicted of a felony, to wit: the distribution of a controlled substance. The company regulation reads as follows:

"The conduct of any employee leading to conviction of any misdemeanor involving moral turpitude (including, without limitation, the unlawful use, possession, transportation or distribution of narcotics or dangerous drugs) or of any felony is prohibited."

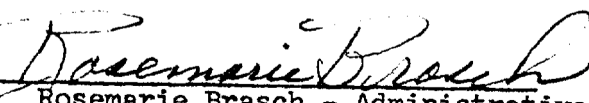
The record of the investigation supports the carrier's finding that the claimant had indeed been convicted of a felony which was a breach of the regulations. The crime for which claimant was convicted was serious. The penalty of dismissal is well within the bounds of reason for cases such as this. The carrier is not required to deal lightly with employees who engage in felonious drug dealing.

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 19th day of December 1979.