

The Second Division consisted of the regular members and in addition Referee Hyman Cohen when award was rendered.

Parties to Dispute: (International Brotherhood of Electrical Workers
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(Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That the Seaboard Coast Line Railroad Company violated the Controlling Agreement, in particular, Rule 32 when Electrician P. C. Boyd was unjustly dismissed from service on June 16, 1982 at Hamlet, North Carolina.
2. That accordingly, the Seaboard Coast Line Railroad Company compensate Electrician P. C. Boyd in the amount of eight (8) hours pay per day at the pro rata rate for the period commencing November 30, 1981 and ending the day he is reinstated to his position as an Electrician at Hamlet, North Carolina. In addition Electrician P. C. Boyd be allowed all other benefits that would accrue to his position.

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 employees 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 Claimant was employed by the Carrier as an Electrician at its shop located in Hamlet, North Carolina. During the afternoon of November 29, 1981, the Carrier received information that the Claimant had been arrested in connection with a break-in at the American Legion Hut in Hamlet.

On December 7, 1981, the Carrier notified the Claimant that he was directed to appear at a formal investigation concerning the break-in on November 29, 1981 which resulted in warrants being issued for his arrest for breaking and entering and larceny, presence in a building with intent to commit a felony, injury to real property and resisting a public officer. The Claimant was also charged, among other things, with violation of Rule 12 relating to "disloyalty", "dishonesty", "immorality" and "vicious or uncivil conduct." As a result of the investigation which was held on June 9, 1981, the Claimant was dismissed.

The record discloses that the Claimant entered a guilty plea to felonious breaking and entering, injury to personal property and resisting a public officer. Furthermore, the Claimant received a three(3) year sentence with six (6) months' incarceration. The balance of the sentence was suspended. As a result, the record warrants the conclusion that the Claimant committed acts of "dishonesty", "immorality" and "vicious or uncivil conduct" which under Rule 12 subjects "the offender to summary dismissal."

Form 1
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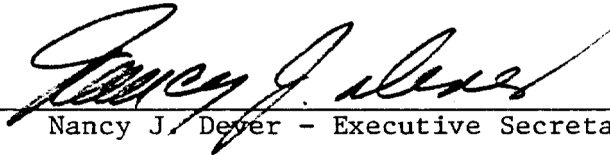
Award No. 10126
Docket No. 10161
2-SCL-EW-'84

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:

A handwritten signature in cursive script, appearing to read "Nancy J. Dever", is written over a horizontal line.

Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 17th day of October 1984.