

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 12573  
Docket No. 12517  
93-2-92-2-35

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

(International Brotherhood of Firemen and  
(Oilers  
PARTIES TO DISPUTE: (  
(Grand Trunk Western Railroad Company

STATEMENT OF CLAIM:

- "1. That under the current and controlling agreement, Firemen and Oiler C. J. Smolinski was unjustly suspended from service on December 17, 1990 and later dismissed February 20, 1991 following an investigation held on February 14, 1991.
2. That accordingly, C. J. Smolinski be returned to service, compensated for all wages lost, plus interest at the prime rate, and made whole for any and all losses incurred and reimbursed for any and all losses that are a condition of employment by contract or law."

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.

Subsequent to a Hearing, the Claimant was found guilty of violating Rule 11(c) of the Carrier's General Rules which states:

"The unauthorized possession of, removal or disposal of any material from Company property

or property served by the Company is prohibited."

The transcript of the Hearing shows that the Claimant admitted that he had taken brass and plywood that belonged to the Carrier. Therefore, in this instance, the only remaining issue before the Board is the question of the quantum of discipline assessed by the Carrier, because the Board is not empowered to grant leniency.

This Board, as well as others in this industry, have rendered numerous Awards upholding the dismissal of employees for dishonesty. The Carrier has the right to expect that its employees will not steal and will be honest. It has no obligation to retain in its service those, who by their own admission, are not.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division.

Attest: Catherine Loughrin  
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 8th day of September 1993.