

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 12625  
Docket No. 12555  
93-2-92-2-73

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

(International Association of Machinists and  
(Aerospace Workers  
PARTIES TO DISPUTE: (  
(CSX Transportation, Inc. (formerly The  
(Seaboard Coastline Railroad Company)

STATEMENT OF CLAIM:

- "(1) That CSX Transportation, Inc. violated Rules 30 and 32, but not limited thereto, of the controlling Agreement when it removed Machinist K. Cooper from active service, prior to investigation held on July 18, 1991, and subsequently dismissed him from service by letter dated August 16, 1991.
- (2) That accordingly, CSX Transportation be ordered to reinstate Mr. Cooper to service with seniority rights unimpaired, reimburse him for all pay and benefits lost (made whole) and remove all reference to the charges from his record."

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.

The Claimant had been a Machinist assigned to the Carrier's mechanical shop facility at Waycross, Georgia. The claim before the Board arose because the Claimant was indicted for participation in a fraudulent insurance scheme that involved an insurance company

and the Carrier. He was found guilty of five counts following a jury trial.

The Board, following a careful review of the evidence properly before us, finds that the investigation of the matters at issue was conducted in a fair and proper manner. We also find that the Carrier had a proper basis to conclude that the Claimant was guilty as charged. The Carrier is entitled to expect its employees to be honest. When this trust is breached, dismissal from the service is not an abuse of its discretion in its application of discipline.

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 1st day of December 1993.