

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

Parties to dispute:                   { System Federation No. 99, Railway Employees'  
  { Department, A. P. of L.            -    G. I. O.  
  { (Carriers)  
  { Louisville and Nashville Railroad Company

Dispute: Claim of Employee:

- (1) That German R. T. Jennings was withheld from service from March 31, 1976 and subsequently dismissed from service March 25, 1976, in violation of the current agreement and
- (2) Accordingly, the Louisville and Nashville Railroad should be ordered to
  - (a) Restore him to service with seniority and all other employee rights retroactive.
  - (b) Compensate him for all time lost as a result of his dismissal, with interest at the rate of 6% per annum on all money due him, and
  - (c) pay expenses for his hospital, medical, dental, drug, life insurance and supplemental sickness benefits for the entire time he is withheld from service.

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, 1937.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

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

Claimant was dismissed from service, after a formal investigation, for dishonesty and dishonestly to the carrier, following his arrest on the charge of receiving stolen property, specific items of which, it was ascertained, had been stolen from interstate shipments moving on Carrier's line.

Claimant pleaded guilty in court to two counts of receiving stolen property. He received a sentence of one year on each count, which was probated.

Carrier's action in dismissing claimant, on the charges specified, can not be held to be unreasonable or unwarranted in light of the evidence before us. We must, therefore, uphold Carrier's action.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By \_\_\_\_\_  
Rosalinda Brosch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of July, 1976.