

The Second Division consisted of the regular members and in addition Referee George S. Roukis when award was rendered.

Parties to Dispute: { System Federation No. 21, Railway Employees'
Department, A. F. of L. - C. I. O.
(Carmen)
(Southern Railway Company

Dispute: Claim of Employees:

1. That under the Agreement, Coach Cleaner Jimmy Meadows, Atlanta, Georgia was unjustly dismissed from service on July 18, 1977.
2. That accordingly the Carrier be ordered to restore Coach Cleaner Jimmy Meadows to service with all rights unimpaired including all losses sustained account of loss of coverage under health, welfare and life insurance agreements, and beginning July 18, 1977, he be compensated for all time lost.

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 essential facts in this dispute are undisputed. Claimant was charged with conduct unbecoming an employee for falsely apprising carrier's payroll accounting department on July 7, 1977 in a sworn affidavit requesting a replacement check that he never received check number 161080 amounting to \$371.09.

A preliminary investigation was held on July 7, 1977 wherein it was determined that he committed this offense and he was dismissed from service.

Shortly thereafter, pursuant to Agreement Rule 34, claimant was provided a formal investigation which confirmed the prior disposition.

In reviewing this case, we find the evidence of record of such compelling magnitude and weight, that we must unreservedly uphold carrier's dismissal decision.

From the beginning of his calculated attempt to conceal the fact that he endorsed and cashed the June, 1977 issued check, until he finally admitted that he signed for and acknowledged before a notary public that he had lied when applying for a replacement check, claimant's behavior was characterized by a pattern of duplicity and mendacity that is inexcusable. His restitution of this money later on did not exonerate his actions.

The railroad industry is vested with a significant public interest that cannot tolerate dishonesty or theft in any form. Accordingly we cannot find any plausible or mitigative basis upon which to grant some form of leniency.

In Second Division Award 7519, this Board held in pertinent part that "stealing or any form of dishonesty on the railroad is a dismissal offense". This decisional holding applies with equal force here. Thus we must reject this claim.

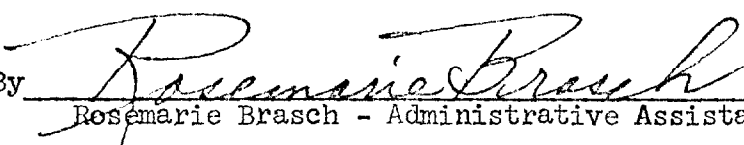
A W A R D

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 8th day of August, 1979.