

The Second Division consisted of the regular members and in addition Referee Francis X. Quinn when award was rendered.

Parties to Dispute: ( International Association of Machinists and  
( Aerospace Workers  
(  
( Chicago and North Western Transportation Company

Dispute: Claim of Employee:

1. That under the current agreement and the Chicago and North Western Transportation Company's schedule of rules, the Carrier unjustly dismissed Machinist D. L. Regan from service effective July 24, 1978.
2. That accordingly the Carrier reinstate to service and compensate Machinist Regan for all wages lost while dismissed from service, with seniority rights unimpaired and all other rights and privileges restored.

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.

It is a long established principle in the railroad industry that responsibility for theft is a dismissable offense. The carrier is extremely vulnerable to those who decide that they would like to take advantage of the abundance of carrier material, and goods entrusted to the carrier for shipping, which are for the most part in places that are unsupervised and unwatched.

There is no question in this case that the facts established claimant's responsibility. The only question involved is the employe's assertion that such an offense is not worthy of the harsh discipline assessed. There are many awards of the NRAB which deal specifically with dismissals for theft:

PLB 1178 AWARD NO. 141

"The Board has previously noted how widespread pilferage is in all modes of freight transport - rail, air, marine and truck, and that Carrier's primary, if not its sole means of holding this pilferage to an irreducible minimum is to penalize any and all employees caught stealing or attempting to do so, irrespective of the value of the item improperly seized."

There is no doubt in this case that claimant was responsible as charged. Under the circumstances, permanent dismissal from service is warranted. This claim will be denied.

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 27th day of January, 1982