

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: (International Brotherhood of Firemen and Oilers
(National Railroad Passenger Corporation

Dispute: Claim of Employes:

1. That, in violation of the current agreement, Laborer Bobby Johnson was unjustly dismissed from service of the Carrier following hearing held on April 29, 1980.
2. That, accordingly, the Carrier be ordered to make the aforementioned Bobby Johnson whole by restoring him to Carrier's service, with seniority rights unimpaired, made whole for all vacation rights, holidays, sick leave benefits, and all other benefits that are a condition of employment unimpaired, and compensated for all lost time plus ten [10%] percent interest annually on all lost wages, also reimbursement for all losses sustained account of coverage under health and welfare and life insurance agreements during the time he has been held out of 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 employe or employes involved in this dispute are respectively carrier and employes 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.

Following an investigative hearing conducted in a fair and proper manner, the Claimant was dismissed from service under the following charges:

"Violation of Rule I of the Amtrak Rules of Conduct in that you were dishonest in the use of your Rail Travel Privilege Card. Also, violation of Rule O of the Amtrak Rules of Conduct in that you permitted misuse of your Rail Travel Privilege Card during the period from May through December, 1979."

The record shows that the Claimant permitted the use of his Rail Travel Privilege Card to other than his wife and children, to the amount of \$514. This is the equivalent of stealing from the Carrier.

Any question as to the severity of the discipline is resolved by reference to the Claimant's disciplinary history. This shows a three-day suspension and two reprimands for various causes within the previous 14 months.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 8th day of August, 1984.