

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

(Brotherhood Railway Carmen of the United States
(and Canada

Parties to Dispute: (

(Grand Trunk Western Railroad Company

Dispute: Claim of Employees:

1. That the Grand Trunk Western Railroad Company violated the controlling agreement when Carman William E. Boyd, was assessed a thirty (30) calendar day suspension as a result of investigation conducted on May 1, 1981.

2. That accordingly, Grand Trunk Western Railroad Company be ordered to compensate Carman William E. Boyd for the thirty (30) calendar day suspension and make him whole for all benefits and privileges he would have received during suspension, and remove such discipline from his service 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 employee or employees involved in this dispute are respectively carrier and employees 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.

Claimant is a Car Inspector in Carrier's service at Pontiac, Michigan. On April 1, 1981, he was attempting to exit General Motors Corporation property when his vehicle was stopped at the gate by guards for a routine inspection. During that inspection, two radio speakers of the type being installed in General Motors trucks were found in a storage section of his vehicle. The General Motors Security Department reported the incident to Carrier officials. Claimant was thereupon removed from service and an investigation into the matter scheduled. A Hearing was held on May 1, 1981, to determine the responsibility of Claimant. As a result of that Hearing, Claimant was found guilty as charged (violations of Rules 11(c) and (d)):

"11. (c) The unauthorized possession of, removal or disposal of, any material from company property or property served by the company is prohibited.

- (d) Employees finding any material or object must not attempt to transport or carry such material or object to any facility for the purpose of giving it to a supervisor unless authorized to do so. Unauthorized possession of material for the alleged purpose of safekeeping will not be considered a valid reason for noncompliance with these instructions."

Claimant was found guilty as charged and was assessed a thirty-day suspension without pay.

This Board has reviewed the record and agrees that Claimant was guilty as charged and that a thirty-day suspension is lenient by any standard. Claimant stole from a Carrier customer. Such behavior cannot be condoned by anyone, even employees with good past records such as Claimant.

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 26th day of August 1987.