

The Second Division consisted of the regular members and in addition Referee Paul C. Carter when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers
(
(Consolidated Rail Corporation (Conrail)

STATEMENT OF CLAIM:

Appeal of dismissal from service of Toledo, Ohio Electrician D. W. Bassinger by the Consolidated Rail Corporation made effective as of December 3, 1987 by Notice of Discipline of same date.

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 were given due notice of hearing thereon.

Claimant was dismissed from Carrier's service on December 3, 1987, on the charge:

- "1) Your unauthorized removal and disposal of Company material (one spool of copper wire containing 1,026 feet) which you were observed unloading at 2117 Delence Street, Toledo, Ohio at approximately 8:00 A.M., while you were on duty as an Electrician from 7:00 A.M. to 3:30 P.M., on October 23, 1987.
- 2) Being absent from your regular assignment without permission on October 23, 1987, at approximately 8:00 A.M. when you were observed unloading a spool of copper wire at 2117 Delence Street, Toledo, Ohio while assigned as an electrician from 7:00 A.M. to 3:30 P.M.
- 3) Your unauthorized removal and possession of material from railroad property which was discovered on October 23, 1987, at your residence, 246 Valleywood Drive, Toledo, Ohio."

The Board has examined the transcript of the trial afforded Claimant, and we find that none of Claimant's Agreement rights was violated. We also find that substantial evidence was adduced at the trial in support of the charges against the Claimant.


Upon our review of the entire record, we find no proper basis for the Board to interfere with the discipline imposed by the Carrier.

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 1st day of November 1989.