

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Carl R. Schedler, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

**THE NEW YORK CENTRAL RAILROAD, NEW YORK AND
EASTERN DISTRICT (Except Boston and Albany Division)**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, New York Central Railroad, Eastern District (except Boston Division):

1—That Mr. Paul A. Morello, General Foreman in Freight Station, Weehawken, N. J., be restored to the seniority roster of the New York Terminal District, New York Central Railroad Company.

2—That Mr. Morello be permitted the exercise of such seniority rights as of April 5th, 1958.

3—That Mr. Morello be compensated for any and all wages lost due to the removal of his name from the seniority roster and the denial of his right to exercise such seniority rights.

OPINION OF BOARD: This claim contains a request for the reinstatement of an employe dismissed from the service of the Carrier. He was discharged for participating in the alleged trefth of approximately 17 cases of canned goods from New York Central Pier 2, Weehawken Freight Yard on or about February 14, 1957. The record clearly establishes the truth of the charges made by the Carrier. The Claimant freely admitted that he had misappropriated to his own use property entrusted to the Carrier. The evidence in the record fully supports the action taken by the Carrier. Consequently, the request for reinstatement is not justified as the claimant was dismissed for just cause.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That oral hearing has been waived by the parties;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement has not been violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 26th day of January, 1960.