

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20603
Docket Number CL-20728

Irwin M. Lieberman, Referee

(Brotherhood of **Railway**, Airline and Steamship
(Clerks, **Freight** Handlers. Express and **Station**
(**Employees**

PARTIES TO DISPUTE: (
(The Belt **Railway** Company of Chicago

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood (GL-7564) that:

1. The Carrier violated the effective Clerks' Agreement when it dismissed Clerk Warren **R. Chilton** from service, effective March 9, 1973.
2. That Clerk **Chilton** be reinstated to the service of the Carrier with seniority and all other rights unimpaired and his record **cleared** of the charge.
3. That Clerk **Chilton** shall now be compensated for any and all wage loss suffered as the result of his dismissal from **Carrier** service retroactive to March 9, 1973.

OPINION OF BOARD: This is a discipline case involving Claimant's dismissal from service after he was charged with violation of Company rules **for** his unauthorized possession of a color television set which was stolen from a trailer **unit** aboard a flat **car** on the Carrier's property.

Petitioner first raises certain procedural issues including a contention that the notice of hearing did **not** contain a clear and precise charge. We find the contention with respect to the charge to be without merit since the notice served on **Claimant** was sufficient to fully **apprise him** of the nature of the offense charged and thus to enable him to prepare his defense. After careful examination of the transcript and the entire record of this dispute, we find that Claimant's right to due process and all other rights guaranteed him by the Agreement were properly accorded him throughout the handling of this dispute.

The transcript of the investigation contains substantial evidence to support the conclusion that Claimant was guilty of the charges made by Carrier. In view of the seriousness of the offense and the evidence establishing Claimant's guilt, we do not find that the penalty of dismissal was excessive or arbitrary.

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

That the **parties** waived oral hearing;

That the Carrier and the **Employes** involved in **this dispute are** respectively Carder end **Employes** 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 was** not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD

By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, **Illinois**, this **31st** day of **January** 1975.