

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21711  
Docket Number CL-21879

John P. Mead, Referee

(Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station **Employees**  
PARTIES TO DISPUTE: (  
(Consolidated Rail Corporation  
( (Former Lehigh Valley Railroad Company)

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood  
(GL-8239) that:

(a) The Carrier violated the Rules Agreement, effective May 1, 1955, particularly Rules 27, 28, 29, 30, 31 and 32, when it assessed discipline of Dismissal on R. G. Klepacki, Clerk, East Claremont Yard, New Jersey.

(b) Claimant Klepacki's record be cleared of the charges brought against him on March 12, 1975.

(c) Claimant Klepacki be restored to service with seniority and all other rights unimpaired, and be compensated for wage loss sustained in accordance with the provisions of Rule 32, plus interest at 6, per cent (6%) per annum, compounded daily. Claimant also to be made whole for any money he was required to spend for medical and hospital services, or other benefits which would otherwise have been covered under Traveler's Group Policy GA-23000.

OPINION OF BOARD: This is a discipline case involving the discharge of a clerical **employee** charged with failure to comply with rules in published tariffs and failure to protect Carrier's revenues. The charge is essentially one of dishonesty in that no **demurrage** charges had been assessed against certain shippers, records had been falsified and Claimant had received "monetary consideration" from the shippers.

We have reviewed the record carefully, and are convinced that Claimant's investigation rights, provided by the agreement, were satisfied.

The charges in this case were extremely serious, **involving, as they do, fidelity** and honesty to the employer. In one instance the **demurrage** charges amounted to \$40,950 which were never reported and for which Claimant said he received a "bundle." The Carrier cannot be expected to retain **employees** in its service who manifest such a callous

disregard for their employment relationship. The record fully supports the discipline assessed in this case, and there were no facts presented in mitigation of the penalty.

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;

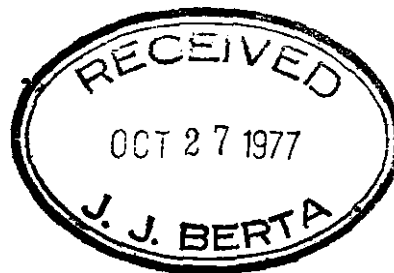
That the Carrier and the **Employees** involved in this dispute are respectively Carrier and **Employees** within the meaning of the Railway Labor Act, as approved June 21, 1934;

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

The Agreement was not violated.

A W A R D

Claim denied.



NATIONAL RAILROAD **ADJUSTMENT** BOARD  
By Order of Third Division

ATTEST:

A. W. Paulos  
Executive Secretary

Dated at Chicago, Illinois, this 29th day of September 1977.