

NATIONAL RAILROAD **ADJUSTMENT** BOARD

**THIRD** DIVISION

Award Number **22387**  
Docket Number MW-22331

Louis **Yagoda**, Referee

PARTIES TO DISPUTE: ( (Brotherhood of Maintenance of Way Employes  
(Illinois Central Gulf Railroad

STATEMENT OF CLAIM: **"Claim** of the **System Committee** of the Brotherhood  
that:

(1) The dismissal of **Trackman** W. E. Jones was without **just**  
and sufficient cause and was extremely disproportionate to the offense  
with which he was charged (System File Mi-228-T-761134-296-342 Spl. Case  
no. 1071 **MoFW**).

(2) The claimant shall be restored to service with **all**  
rights unimpaired and that he be paid for each day that he was not  
allowed to return to work beginning with the date he is released by  
his doctor, stating that he is able to resume his duties with the  
Illinois Central Gulf Railroad."

OPINION OF BOARD: Our study of the record and of the argument **made**  
thereon and therefrom by the parties leaves us  
convinced that Carrier acted on well-supported grounds developed through  
fair and impartial hearing in finding Claimant guilty of the offense  
charged. The nature of the act charged (the removal **to** his home of  
two gas cans from railroad property) has far more serious consequences  
on the essential trustworthiness of this individual for future employ-  
ment here than the monetary worth of the articles involved.

When consideration is also taken - as it is pertinently  
permissible to do - of Claimant's earlier adverse record during his  
five years of active service in the employ of Carrier, there is no  
basis for altering Carrier's imposition of the dismissal 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;

Award Number 22387  
Docket **Number** MU-22331

Page 2

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 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 16th day of **April 1979**.

