

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22791  
Docket Number CL-22746

Paul C. Carter, Referee

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

PARTIES TO DISPUTE: (

(The Chesapeake and Ohio Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (Gt8669)  
*t h a t :*

(a) The Carrier assessed excessively harsh discipline when they dismissed Claimant George C. Jenkins from service as a result of **investigation** or hearing held **on** April 13, 1976.

(b) Claimant Jenkins be restored to service with all right8 unimpaired.

OPINION OF BOARD: Claimant had approximately twenty-one years of service with the Carrier. On April 7, 1976, he was assigned to an Extra Lift Truck Operator position at Carrier's Merchandise Pier in Newport News, Virginia, with hours of 4:00 p.m. to 12:00 midnight.

**On** April 8, 1976, claimant was notified to attend an **investigation** scheduled for 10:00 A.M., April 13, 1976, on charge of:

" . . . . theft of ten cartons of cigarettes during your tour of duty 4:00 p.m. to 12 Midnight on Wednesday, April 7, 1976."

The investigation was held as scheduled. A copy of the transcript of the investigation **has** been made **a** part of the record. There was substantial evidence adduced at the investigation, including the admission of the **claimant**, in support of the charge. On April 20, 1976, claimant was notified of **his** dismissal from **the** service.

The Board has carefully reviewed the entire record, including the transcript of the investigation. We find that **none** of claimant's substantive procedural rights was violated. The **investigation** was conducted in a fair and impartial **manner**.

It is a generally accepted **tenet** in the railroad industry that dishonesty is a dismissal offense. **Long** service does not mitigate **the** seriousness of such **an** offense.

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

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A.W. Pauler  
Executive Secretary

Dated at Chicago, **Illinois**, this 31st day of March 1980.

