

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22793
Docket Number CL22780

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 (GL-8683)
that:

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

(b) Claimant Tillett be restored to service with all rights unimpaired.

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

On April 8, 1976, he was notified to attend an **investigation** scheduled for 9:00 A.M., Tuesday, April 13, 1976, on charge of:

"..... theft of twenty-two 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 claimant, in support of the charge. On April 21, 1976, claimant was notified of his dismissal from **service**.

The Board has carefully reviewed the entire record and finds that none of claimant's substantive procedural rights was violated.

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 Employee 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. Paulos
Executive Secretary

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

