

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23204
Docket Number CL-23176

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: { **Brotherhood of Railway, Airline and Steamship Clerks,**
 { **Freight Handlers, Express and station Employees**
 { **The Chesapeake and Ohio Railway Company**

STATEMENT OF CLAIM: **Claim of the System Committee of the Brotherhood**
 (GL-8903) that:

(a) **The Carrier violated the Clerks' Agreement as well as the principles of law and justice when certain information developed during interrogation of Mr. J. W. Skaggs, without advising him of his constitutional rights, was used to dismiss Mr. Skaggs from service.**

(b) **Mr. J.W. Skaggs be restored to service with all rights unimpaired.**

OPINION OF BOARD: **Claimant J. W. Skaggs was regularly assigned as a storekeeper at Presque Isle, Walbridge, Ohio. He was dismissed from carrier's service after an investigation during which he admitted that he had purchased an air conditioner for use by his relatives and had charged it to carrier.**

Claimant was notified that a hearing into the matter, as is required by agreement, would be held. It was conducted on October 3, 197-r. As a result of that hearing, carrier dismissed claimant from its service.

A review of the record reveals that claimant was afforded a full and fair hearing and was not denied any procedural or substantive rights.

Prior to the hearing and at the hearing itself, claimant admitted that he had purchased an air conditioner for use by his wife's family and had charged it to carrier. The organization has argued throughout the handling of this case on the property and in its submission to this Board that claimant was under a great deal of stress. He was having trouble at home and he was being pressured by carrier officials to purchase goods for their personal use and charge these items to carrier. This behavior by carrier officials, the organization submits, led claimant to believe he too could get away with charging goods for personal use to carrier.

This Board has little sympathy for any of carrier's employees who engage in stealing. The organization's arguments in this case cannot be seriously considered. Claimant has admitted that he illegally purchased an air conditioner, charging it to carrier. Carrier has a right to impose any level of discipline up to and including dismissal for such an offense. This Board has no basis on which to question carrier's action in this case.

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 Employee 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. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 16th day of March 1981.

