

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23529
Docket Number So-23974

Paul C. Carter, Referee

PARTIES TO DISPUTE: { Brotherhood of Railroad Signalmen
{ The National Railroad Passenger Corporation

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the National Railroad Passenger Corporation:

NEC-ERS-SD-11D-Appeal of discipline of C. W. Thompson, Maintainer
O&S."

OPINION OF BOARD: The claimant herein was assigned by the Carrier as a
O&S Maintainer at Wilmington, Delaware.

On March 4, 1980, claimant was notified in writing that he was removed from service. On March 6, 1980, he was notified to attend a trial on March 13, 1980, on the charge:

"Violation of the National Railroad Passenger Corporation
Rules of Conduct, General Rule 'I', reading:

'Employees will not be retained in the service who are insubordinate, dishonest, immoral, quarrelsome or otherwise vicious, or who do not conduct themselves in such a manner that the Company will not be subjected to criticism and loss of good will'. In that on March 4, 1980, at approximately 7:45 AM in Wilmington, DE, at H&H Arco gas station, you used Amtrak gasoline credit card #0059700005, to purchase gasoline for private vehicle license #642366DEL."

The trial was held as scheduled. The claimant was present throughout and was represented. A copy of the transcript of the trial has been made a part of the record. On review of the transcript, we find that none of claimant's substantive procedural rights was violated. Following the trial, claimant was dismissed from service on March 31, 1980.

In the trial, or investigation, substantial evidence, including the claimant's own statement, was adduced in support of the charge.

There is no proper basis for the Board to interfere with the discipline imposed by the Carrier.

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:


Executive Secretary

Dated at Chicago, Illinois, this 26th day of February 1982.