

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24064  
Docket Number CL-24518

Edward M. Hogan, Referee

PARTIES TO DISPUTE: ( **Brotherhood of Railway, Airline and Steamship Clerks,**  
( **Freight Handlers, Express and Station Employees**  
( **Chicago and North Western Transportation Company**

STATEMENT OF CLAIM: **Claim** of the System **Committee** of the Brotherhood  
(GL-9565) that:

1. Carrier violated the terms of the Parties' Agreement effective my 15, 1972, particularly Rule 21, when under date of June 26, 1980, it dismissed from service Mr. **Richard L. DuFern**, Lead Order Filler, North Green Bay, Wisconsin, as the result of an investigation held on June 24, 1980, and,

2. Carrier shall now be required to reinstate **Mr. Richard L. DuFern** in service with all rights unimpaired, and compensate him for all monetary losses while held out of service and until the violation is corrected, to include making him whole for all fringe benefit losses.

OPINION OF BOARD: **Claimant** R. L. **DuFern** was dismissed from the service of the **Carrier** following a duly constituted formal investigation on the charges of unauthorized possession and transportation of Carrier owned property. At the investigation, **Claimant** acknowledged that the material was in his vehicle and that he knowingly removed the material from the **Carrier's** property. In light of **Claimant's** own admissions, this Board has no recourse than to uphold the finding of the hearing officer. There being no procedural rights violated and with substantial evidence on the record, the Board finds no reason to sustain the claim.

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

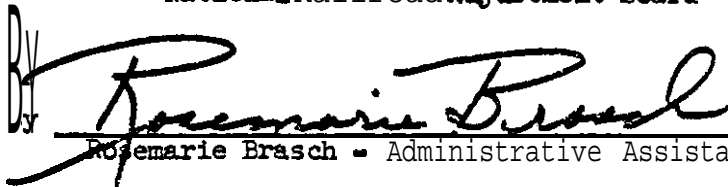
**That** the Agreement was not violated.

A W A R D

Claim denied. .

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third **Division**

ATTEST: Acting Executive Secretary  
National Railroad Adjustment Board

*Ry*   
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of December 1982.

