

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24923  
Docket Number CL-24193

I. M. Lieberman, Referee

PARTIES TO DISPUTE: (The Brotherhood of Railway, Airline and Steamship Clerks  
(  
(Staten Island Rapid Transit Operating Authority

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9451)  
that:

1. The Carrier violated the established practices and rules of the Brotherhood, specifically those involving discipline, when they reprimanded Agent M. Prato for an alleged violation of an operating rule and in addition, required him to reimburse the Carrier in the amount of \$97.20.

2. The Carrier will purge the reprimand from Mr. Prato's record and reimburse him the amount of \$97.20.

OPINION OF BOARD: The dispute in this matter involves the loss of certain ticket stock from the ticket booth in which Claimant had been working. The record indicates that Claimant had absented himself from the booth for a period of eight minutes in order to go to the washroom. During that time interval, someone broke the wooden chock to the window of the booth and took some \$97.20 worth of tickets. The tickets had been pushed some 12 inches from the window slot and the cash put in a drawer during Claimant's absence.

Petitioner argues that Claimant took all the necessary precautions for his short absence and should not have been held accountable for the loss of tickets. Additionally it is pointed out that Carrier has not established that any of the tickets have been used and hence that it did indeed suffer a loss.

Carrier notes that it is impossible to prove that the tickets in question have been used (or the contrary) and it has always adhered to strict accountability for such stock. Carrier notes further that the evidence clearly established that Claimant was careless at least with respect to protecting the stock; he did not even put the tickets in the drawer with the cash, much less in a locked receptacle.

As the Board views this matter, it is clear that the evidence supports Carrier's conclusion that Claimant had not been diligent and careful in protecting the ticket stock. Thus Claimant was properly held to be guilty of the charges levelled against him. With respect to the penalty assessed, a reprimand was not excessive and further Claimant's responsibility and accountability for the ticket stock is mandatory. Since the tickets were not recovered, contrary to Petitioner's argument, the loss to Carrier is a proper presumption.

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

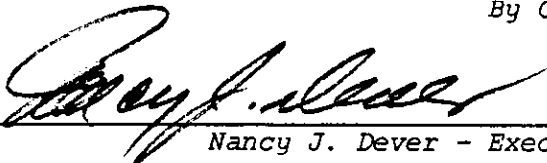
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of July 1984.