

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25377
Docket Number SG-24504

W. S. Coleman, Referee

(Brotherhood of Railroad Signalmen

PARTIES TO DISPUTE: (

(Southern Pacific Transportation Company
(Western Lines)

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern **Pacific Transportation Company** (Western Lines):

On behalf of Signalman C. D. Ruttlen, Los Angeles, who was dismissed from service June 18, 1981, for restoration to service with all rights restored, and with compensation for all time lost at both the pro rate and time and **one-half** pay rates. [Carrier file: **MoFW-A-LA-1-9**]

OPINION OF BOARD: Claimant C. D. Ruttlen is a Signalman employed by Carrier in **Los Angeles**, California. On May **21, 1981**, he **was** observed by Los Angeles Police and Carrier Police inside Carrier's Signal Facility on May street. Claimant was questioned about his presence there and eventually was asked to go to the Carrier's Police Office and make a statement concerning his presence on the property. His statement revealed that he took Company gas and used it in his personal vehicle. It also revealed that he did this on a number of occasions in the past. Claimant was subsequently cited for formal investigation and a hearing into the matter was held. As a result of that hearing, Claimant was found guilty of stealing Company gas and using it in his personal vehicle, a violation of Rule 801: "Employees will not be retained in the **service** who **are....dishonest**".

This Board has reviewed the Transcript of the hearing as well as the documents contained in the record and must conclude that Carrier had ample probative evidence on which to base its decision that Claimant was guilty of dishonesty. Given his guilt in stealing gas, his dismissal from service cannot be construed by this Board as arbitrary or capricious on the part of the Carrier. We are therefore compelled to deny this 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.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Lever - Executive Secretary

Dated at Chicago, Illinois, this 15th day of April 1985.