

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Carl R. Schedler, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

**THE NEW YORK CENTRAL RAILROAD, NEW YORK AND
EASTERN DISTRICT (Except Boston and Albany Division)**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, New York Central Railroad, Eastern District (except Boston Division):

1—That Mr. E. W. Dernbach, Chauffeur, Weehawken Freight Station, Weehawken, N. J., be reinstated to his position of Chauffeur with his full seniority rights;

2—That Mr. Dernbach be compensated for any and all wages lost due to his being unjustly dismissed from the service of the New York Central Railroad on April 5, 1957.

OPINION OF BOARD: This claim concerns the dismissal of an employe from the service of the Carrier for participating in the alleged theft of approximately 17 cases of canned goods from New York Central Pier 2, Weehawken Freight Yard, on or about February 14, 1957. Careful consideration of the entire record clearly establishes the truth of the charges made by the Carrier. The record discloses that the Claimant admitted that he had misappropriated to his own use property entrusted to the Carrier. On the basis of the whole record we find that the action taken by the Carrier is supported by the evidence and the request for reinstatement is not justified, and that Claimant was dismissed for just cause.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That oral hearing has been waived by the parties;

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes 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 has not been violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 26th day of January, 1960.