

Award No. 10002

Docket No. CL-12171

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Charles W. Webster, Referee

PARTIES TO DISPUTE:

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

**THE CHESAPEAKE AND OHIO RAILWAY COMPANY
(Chesapeake District)**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-4844) that:

(a) The Carrier violated the Agreement when, effective January 8, 1960, it dismissed Mr. William Adams, Jr., from its service.

(b) The Carrier shall now restore Mr. William Adams, Jr., to its service with all his rights unimpaired and remove any entry made on his record.

(c) The Carrier shall now compensate Mr. William Adams, Jr., for all loss sustained by reason of his wrongful dismissal.

OPINION OF BOARD: The Claimant was employed in the pay roll department of the Carrier. In December of 1959 a timekeeper was unable to reconcile the actual payment made to Claimant with data found on his time sheets. A post audit was immediately conducted and it was discovered that over a period of thirty-two months that Claimant has received twenty-five overpayments ranging from twenty dollars to sixty dollars per day period.

As a result of this post audit, the Claimant was suspended on January 8, 1960 and an investigation was held on January 22nd of the same year. The hearing extended for 15 days. As a result of the investigation the Claimant was notified on February 26, 1960 that he was dismissed from Carrier's service effective January 8, 1960.

The organization requested the restoration of Claimant to service and the proper appeal procedure as established by the agreement was followed. The claim was denied at all steps. The claim was finally processed to this Division.

This referee has carefully studied the record of the hearing in this case and has come to the conclusion that there is sufficient circumstantial evidence, if believed, to sustain the position of the Carrier.

The record also discloses that the organization and the Claimant were given ample opportunity to present their version of the case. In light of this it cannot be said that the Claimant was denied the fair and impartial hearing established by the agreement.

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 Employee involved in this dispute are respectively Carrier and Employee 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.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 19th day of July, 1961.