



Award No. 18668

Docket No. CL-19039

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

William M. Edgett, Referee

PARTIES TO DISPUTE:

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

THE LONG ISLAND RAIL ROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6897) that:

1. Dismissal of Clerk D. B. Henderson on May 20, 1970 was improper, unjustifiable and unwarranted.

2. Clerk D. B. Henderson shall be returned to work with seniority rights unimpaired and he shall be paid for all time lost, including all fringe benefits, beginning May 20, 1970, and each day thereafter until such time as the violations are corrected and claimant is restored to work.

OPINION OF BOARD: Claimant was dismissed from service after a shortage was discovered in his accounts. He stated that he had taken the missing funds, intending to return them after personal use.

On the record before us it is clear that Claimant's dismissal was warranted. There is no evidence that Carrier's action was an abuse of the discretion vested in it. The claim is denied.

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.

AWARD

Claim denied.

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

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 29th day of July 1971.

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