

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20603
Docket Number CL-20728

Irwin M. Lieberman, Referee

(Brotherhood of Railway, Airline and Steamship
(Clerks, Freight Handlers, Express and Station
(Employees

PARTIES TO DISPUTE: (

(The Belt Railway Company of Chicago

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-7564) that;

1. The Carrier violated the effective Clerks' Agreement when it dismissed Clerk Warren R. Chilton from service, effective March 9, 1973.
2. That Clerk Chilton be reinstated to the service of the Carrier with seniority and all other rights unimpaired and his record cleared of the charge.
3. That Clerk Chilton shall now be compensated for any and all wage loss suffered as the result of his dismissal from Carrier service retroactive to March 9, 1973.

OPINION OF BOARD: This is a discipline case involving Claimant's dismissal from service after he was charged with violation of Company rules for his unauthorized possession of a color television set which was stolen from a trailer unit aboard a flat car on the Carrier's property.

Petitioner first raises certain procedural issues including a contention that the notice of hearing did not contain a clear and precise charge. We find the contention with respect to the charge to be without merit since the notice served on Claimant was sufficient to fully apprise him of the nature of the offense charged and thus to enable him to prepare his defense. After careful examination of the transcript and the entire record of this dispute, we find that Claimant's right to due process and all other rights guaranteed him by the Agreement were properly accorded him throughout the handling of this dispute.

The transcript of the investigation contains substantial evidence to support the conclusion that Claimant was guilty of the charges made by Carrier. In view of the seriousness of the offense and the evidence establishing Claimant's guilt, we do not find that the penalty of dismissal was excessive or arbitrary.

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 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 was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 31st day of January 1975.