

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22387
Docket Number MW-22331

Louis Yagoda, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Illinois Central Gulf Railroad

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
that:

(1) The dismissal of Trackman W. E. Jones was without just and sufficient cause and was extremely disproportionate to the offense with which he was charged (System File Mi-228-T-76/134-296-342 Spl. Case No. 1071 MofW).

(2) The claimant shall be restored to service with all rights unimpaired and that he be paid for each day that he was not allowed to return to work beginning with the date he is released by his doctor, stating that he is able to resume his duties with the Illinois Central Gulf Railroad."

OPINION OF BOARD: Our study of the record and of the argument made thereon and therefrom by the parties leaves us convinced that Carrier acted on well-supported grounds developed through fair and impartial hearing in finding Claimant guilty of the offense charged. The nature of the act charged (the removal to his home of two gas cans from railroad property) has far more serious consequences on the essential trustworthiness of this individual for future employment here than the monetary worth of the articles involved.

When consideration is also taken - as it is pertinently permissible to do - of Claimant's earlier adverse record during his five years of active service in the employ of Carrier, there is no basis for altering Carrier's imposition of the dismissal penalty.

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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 16th day of April 1979.

