

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24064
Docket Number CL-24518

Edward M. Hogan, Referee

PARTIES TO DISPUTE: { Brotherhood of Railway, Airline and Steamship Clerks,
Freight Handlers, Express and Station Employees
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-9565) that:

1. Carrier violated the terms of the Parties' Agreement effective May 15, 1972, particularly Rule 21, when under date of June 26, 1980, it dismissed from service Mr. Richard L. DuFern, Lead Order Filler, North Green Bay, Wisconsin, as the result of an investigation held on June 24, 1980, and,

2. Carrier shall now be required to reinstate Mr. Richard L. DuFern in service with all rights unimpaired, and compensate him for all monetary losses while held out of service and until the violation is corrected, to include making him whole for all fringe benefit losses.

OPINION OF BOARD: Claimant R. L. DuFern was dismissed from the service of the Carrier following a duly constituted formal investigation on the charges of unauthorized possession and transportation of Carrier owned property. At the investigation, Claimant acknowledged that the material was in his vehicle and that he knowingly removed the material from the Carrier's property. In light of Claimant's own admissions, this Board has no recourse than to uphold the finding of the hearing officer. There being no procedural rights violated and with substantial evidence on the record, the Board finds no reason to sustain the claim.

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 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

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That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of December 1982.

