

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24216  
Docket Number MW-24299

Robert W. McAllister, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(Terminal Railroad Association of St. Louis

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

(1) The dismissal of Foreman R. W. Hollis for 'cashing checks that were made payable to the Terminal Railroad Association of St. Louis (for sale of used railroad ties) by endorsing them in your own name' was unwarranted and without just and sufficient cause (System File TRRA 1980-14).

(2) The claimant shall be reinstated with seniority and all other rights unimpaired and he shall be compensated for all wage loss suffered."

OPINION OF BOARD: On May 23, 1980, the Claimant, R. W. Hollis, was suspended from service and charged with cashing checks payable to the Carrier by endorsing them in his own name without authorization. As a result of an investigation held on June 2, 1980, the Carrier notified Claimant he was dismissed from service. The Claimant began his employment on August 1, 1973. He was subsequently promoted to an assistant track supervisor on February 1, 1980, and held that position until he was demoted on May 22, 1980.

As a result of a question raised over the payment for railroad ties by the assistant chief engineer, the purchaser brought in two canceled checks drawn on the First National Bank of Collinsville, Illinois. Check #484 was made payable to TRRA Randy W. Hollis in the amount of \$30.00. Check #485 was made payable to TRRA Randy Hollis in the amount of \$45.00. The record shows that payment for the purchase of old track ties by employees or the public is made to the foreman assigned that responsibility or the track supervisor assigned that responsibility. The authority to receive such payments did not include authorization to convert checks into cash. No receipts were issued in the transaction in question. Following payment for such purchases, the monies received were from time to time turned over to the assistant chief engineer.

The Claimant confirmed he was authorized to receive such payments and had, in fact, endorsed the two checks in question and, indeed, cashed them. He admitted using poor judgment in the handling of this matter. The Claimant's defense was that he did turn the cash over to the assistant chief engineer.

Examination of this record does not support the Organization claim that the dismissal was unwarranted and without just and sufficient cause. The record clearly upholds the Carrier's determination that substantial evidence was developed proving the correctness of the charges. Testimony established that one check was originally made payable to the Carrier and that Claimant added his own name as payee. Furthermore, the Claimant acknowledged he turned over other checks to the assistant chief engineer before and after these transactions. The conversion of checks made payable to the Carrier and, in at least one instance, altered, then converted into cash is a serious charge of dishonesty. There is no reasonable explanation for the Claimant's conduct nor is there any basis upon which to mitigate this dismissal.

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.

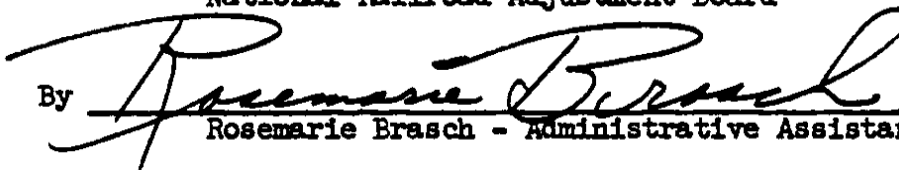
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: Acting Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of March 1983.

