

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25025
Docket Number SG-25002

Eckehard Muessig, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Illinois Central Gulf Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen:

On behalf of D. J. Wakefield, who was dismissed May 6, 1982 for allegedly cashing two paychecks issued to him for the same period." (Carrier file: 135-296-93 Spl. Case No. 403 Sig.)

OPINION OF BOARD: As a result of a formal investigation, the Claimant herein was advised that he was being dismissed from service on the basis of a finding by Carrier that he had cashed two paychecks issued to him for the same period of time.

The Carrier, in arriving at its decision to dismiss the Claimant, essentially relied upon two factors of record: (1) a Forensic Scientist's conclusion that the signature on both checks matched the Claimant's signature; and (2) that the Claimant pleaded guilty in a court of law and made restitution to the bank on which the checks were drawn.

The Organization argues on a number of substantive procedural issues. Its contentions, both in the submission and in its oral presentation before the Board, to support the basic thrust of its claim on behalf of the Claimant, although they are not without merit, do not warrant a sustaining award.

At the outset, with respect to the procedural objections raised by the Organization, the Board has carefully reviewed the entire record before it to insure that the Claimant's due process rights were not violated. After conducting this examination, we do not find that Carrier acted arbitrarily or prejudicially in this proceeding.

Turning to the substantive issues herein, we are not unmindful of the numerous statements in the record to attest to the Claimant's character and honesty, nor the other factors and elements brought forth by the Organization, with particular reference to those pertaining to the Bank Teller and the Forensic Scientist. Nevertheless, after a review of the lengthy record in this dispute, we find that the Carrier has met its heavy burden required in a dismissal dispute. Therefore, we will not disturb the assessed penalty.



FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of September 1984.

