

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25806
Docket Number CL-26087

Paul C. Carter, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks
(
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-9971) that:

1. Carrier violated the terms of the current Agreement, particularly Rule 21, when it dismissed from service Mr. J. F. Cassier, Ticket Agent, account of investigation held on November 14, 1983, and

2. Carrier shall be required to return Mr. J. F. Cassier to the service of the Carrier with all rights unimpaired, as well as for payment of all time lost.

OPINION OF BOARD: Claimant was assigned to the Suburban District Agent's position at Park Ridge, Illinois. As part of his duties he sold tickets to the public for passage on Carrier's commuter line. On November 10, 1983, Leonard Walavich, the Supervising Agent for Claimant's territory, performed a routine audit at Park Ridge Agency, following the morning rush hour. During the course of the audit, Claimant took \$150.00 that he had in his possession and handed it to Mr. Walavich, stating, according to Mr. Walavich, that he had borrowed the money from the Agency working fund on November 9, 1983, to pay a debt and intended to pay it back on payday.

As a result of the incident Claimant was removed from service and on the same day, November 10, 1983, was directed to appear for investigation on November 14, 1983, on the charge:

"Your responsibility in connection with your unauthorized use of company funds on and before November 10, 1983 while assigned as Agent at Park Ridge, Illinois"

The investigation was conducted as scheduled, following which Claimant was dismissed from service on November 5, 1983. A copy of the Transcript of the investigation has been made a part of the record. We have carefully reviewed the Transcript of the investigation. The Supervising Agent testified that when Claimant handed him the \$150.00 during the course of the audit, he stated that it belonged to the working fund and that he (the Claimant) had taken it the night before because he needed the money to pay a debt. The Manager of Administration, Suburban Division, and the Suburban Division Agent, who were at the Agency shortly after the incident, testified that they each interviewed the Claimant at the time and that Claimant told them he had removed \$150.00 from the station fund because he had errands to do

and felt that he may run short of money. The Claimant testified that Mr. Walavich showed up at the station between 7:00 and 8:00 A.M., that the working fund for the station was short \$150.00 which was in his (the Claimant's) possession at the time; that he gave the \$150.00 to Mr. Walavich about 9:30 A.M. He denied telling anyone that he had errands to do. He contended that he needed the money to buy eye glasses.

Regardless of Claimant's reasons for being in possession of the \$150.00 the money belonged to the station working fund and was simply not his to use as he saw fit. The mishandling of Company funds is very serious, usually resulting in dismissal. See Third Division Awards Nos. 14170 and 18668. There is no proper basis for the Board to interfere with the discipline imposed.

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

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. Bever - Executive Secretary

Dated at Chicago, Illinois, this 12th day of December 1985.