

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION Award Number 26120
Docket Number MS-26329

Philip Harris, Referee

PARTIES TO DISPUTE: (Frederick Gleason
 ((New Jersey Transit Rail Operations

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
 (NJT-20) that:

- (a) The carrier acted in an arbitrary and capricious manner when it unjustly assessed dicipline (sic) of ten (10) days suspension (deferred) which was reduced to a 'Reprimand' by Labor Relations on 10-05-84.
- (b) Claimant's record be cleared of the charges brought against him on August 3, 1983."

OPINION OF BOARD: On June 16, 1983, Claimant working as a Cashier/Ticket Clerk claimed to put in the safe a bag containing \$1,400.05. The next day he reported it to be missing. An investigation followed which led to the above discipline because the Claimant failed to properly perform his duties in protecting the funds. The charge was not theft, and other people had access to the area containing the money.

The Claimant contends that the Carrier exceeded the time limits for taking action. This would have been true if the charge were theft. However, the claim was negligence, and it took an investigation to develop the information to justify the charge, and this was done on a timely basis.

The Board finds no reason to modify the Carrier's disciplinary action. Claimant was obliged to turn over custody of the funds to the person coming in on the next shift. By not waiting for that person to appear, the Claimant created a void in the security chain, leaving the funds unguarded and making it impossible to prove under whose jurisdiction the disappearance occurred.

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

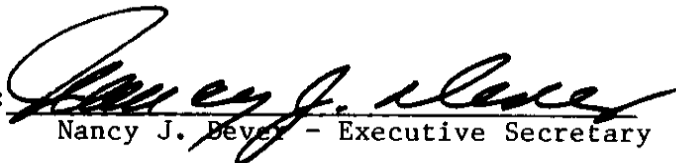
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 19th day of September 1986.

