

PUBLIC LAW BOARD NO. 1582

PARTIES) THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY
TO)
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM: Claim is in behalf of E. Thomas for reinstatement to his former position with seniority, vacation and all other rights unimpaired and compensation for wage loss beginning September 4, 1974, continuing forward until restored to service.

FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was charged with making an unauthorized pick up of a time check issued to another employee in the amount of \$180.81 and cashing said check. At the investigation the claimant was found guilty and discharged from the service of the Carrier.

The Organization contends that the claimant did not have a fair and impartial investigation and requested that the claimant be reinstated with seniority and all other rights unimpaired and compensation for time lost. The Organization contends that the testimony introduced at the hearing was inconclusive and that the discipline assessed was harsh, arbitrary and unjust.

The Carrier contends that the evidence of record substantiates the charges and that the discipline assessed was reasonable and just under the circumstances.

On Pages 11 and 12 of the transcript the claimant admitted that he accepted the check and that he knew it did not belong to him. He stated that he stalled for a minute or two trying to decide whether to take it back or whether to keep it. He admitted that he understood Rule 752(b) and that he did not comply with that rule.

Boards are replete with decisions which have held that a Carrier is not required to keep a dishonest employee in service. After studying all of the evidence of record, there is no evidence which would justify overruling the decision of the Carrier. Under the circumstances herein permanent dismissal is neither harsh, arbitrary or unjust.

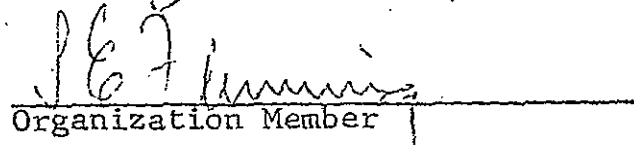
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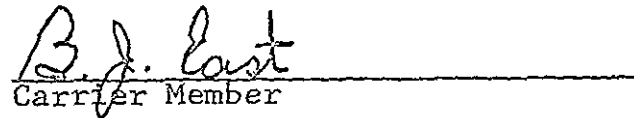
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AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member

January 2, 1976