

PUBLIC LAW BOARD NO. 1760

Award No. 110

N&W File MW-DEC-84-106

Parties Brotherhood of Maintenance of Way Employees  
to and  
Dispute Norfolk and Western Railway Company  
(Former Wabash)

Statement  
of Claim: Claim on behalf of J. R. Downey requesting that he be  
reinstated with all rights unimpaired and paid for time lost  
as a result of his dismissal for misuse of a company credit  
card.

Findings: The Board has jurisdiction of this case by reason of the  
parties Agreement establishing this Board therefor.

The Carrier in 1988 conducted a system wide audit of  
purchases on the universal gasoline credit card for the  
accounting months of January 3, 1987 through February 1988.

Each credit card has a number and is assigned to a  
Company vehicle of the same number. As a result of that  
internal audit Claimant Welder's truck was found to have a  
higher average of purchases during the dated period.  
Claimant was interviewed on September 7 and 21, 1988 by the  
Manager of Audit because of purchases on 3 or 4 occasions.  
Claimant was removed from service pending the holding of a  
formal investigation which was held October 12, 1988. As a  
result thereof, he was discharged as discipline therefor.

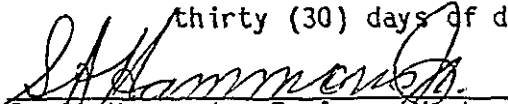
The Board finds that Claimant was accorded the due  
process under Rule 30.

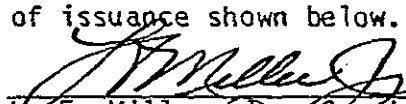
There was sufficient evidence adduced to support the  
conclusions reached by Carrier.


However, there were circumstances which serve to  
mitigate the discipline imposed. The Board will reinstate  
Claimant to service with all rights unimpaired but without  
pay for time out of service subject to passing the necessary  
physical examinations.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within  
thirty (30) days of date of issuance shown below.

  
S. A. Hammonds, Employee Member

  
L. F. Miller, Jr., Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member