

Award No. 21
Case No. 9

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Louisville & Nashville Railroad Company

STATEMENT
OF
CLAIM:

1. The dismissal of Machine Operator J. E. Booker was without just or sufficient cause and extremely disproportionate to the offense with which charged.
2. The claimant shall be restored to service and accorded the benefits of the first paragraph of Rule 27(f).

FINDINGS:


There is substantial evidence in the record that despite prior warnings, claimant siphoned gasoline from a company truck into his own personal vehicle. Claimant conceded taking approximately six quarts of oil and some gasoline for his own personal use. He also testified that he had taken two gallon bottles of Windex and a bottle of cleaning detergent.

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We find no basis in this record for substituting our judgment for that of Carrier with respect to its decision to dismiss claimant. While we are very much concerned by the use of such extreme disciplinary action, we also must be mindful of Carrier's reliance in its far-flung operations on the responsibility of its employees to protect property.

AWARD: Claim denied.

Adopted at Louisville, Kentucky, January 30, 1980.



Harold M. Weston, Chairman



Carrier Member



Employee Member