

Award No. 39
Case No. 82

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

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

STATEMENT
OF
CLAIM:

1. The dismissal of Truck Driver J. J. Ganey for "having marked coins in his possession that belonged to other employees in his gang" was without just and sufficient cause and on the basis of unproven charges.
2. J. J. Ganey shall be reinstated with seniority, vacation and all other rights unimpaired and compensated for all wage loss suffered.

FINDINGS:

Claimant served as a truck driver in a floating timbering gang. Its members were housed in camp cars during the work week. During the early part of September 1980, several employees assigned to the gang complained to Foreman Williams that money was being taken from their suitcases during the time they were out working on the track.

In an effort to remedy the situation, four of the employees marked some of their coins and placed them in suitcases belonging to two of the employees. The Foreman authorized M. W.

Madden, one of the members of the gang, to observe the camp cars on the morning of September 18, 1980.

According to Mr. Madden, claimant appeared that morning, entered the area where the suitcases were located, stayed there about five to ten minutes and then drove off in his truck. Mr. Madden testified that he checked his suitcase immediately and found the coins gone.

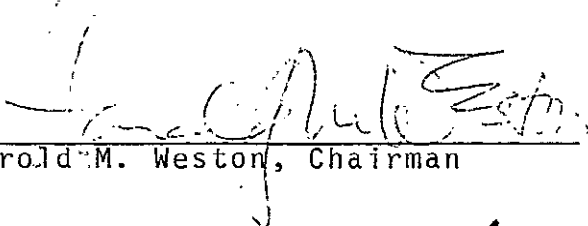
When these developments were reported to Foreman Williams, he confronted claimant who took change out of his pocket. In the change were four quarters, one dime and one nickel, all marked in the manner the four employees had marked them. Claimant's explanation was that they must have been placed by someone else in the pants pocket he had worn the night before and were lying at the foot of his bunk.

We are in accord with the comments made by Public Law Board 1844 in Award 56, emphasized by Petitioner. It is always a matter of concern to this Board when an employee is dismissed. However, Carrier's findings are supported by substantial credible and detailed, though circumstantial, evidence and we find no persuasive ground for setting them aside. The small amount of money involved provides no basis for substituting our judgment for that of Carrier in this matter. No reversible error is disclosed by the record.

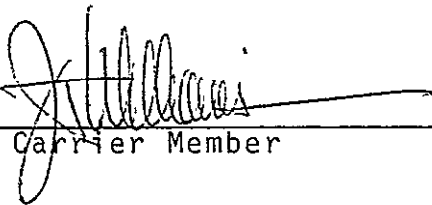
AWARD:

Claim denied.

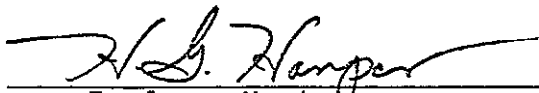
Adopted at Jacksonville, Florida, April 21, 1983.



Harold M. Weston, Chairman



Carrier Member



Employee Member