

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and

Seaboard System Railroad (former L&N Railroad)

STATEMENT
OF
CLAIM:

Claim that W. R. Huckabaa shall be reinstated with seniority and all other rights unimpaired and compensation for all wage loss suffered.

FINDINGS:

Claimant, a welder with over nine years service, was found guilty on November 9, 1983, in the United States District Court for the Middle District of Alabama, Northern Division, of possession of firearm which had not been registered to him.

Claimant's guilt of illegal possession of firearm, a felony, provides a valid basis for substantial discipline by his employer. It demonstrates a lack of responsibility, poor judgment and a disregard for the law. In that setting, it was appropriate for Carrier to consider, in determining the measure of discipline, the fact that he had previously received lengthy suspensions for insubordination (in 1979), theft of an air conditioner (1981), absence from duty (April 1983) and making false statements (July 1983).

The record discloses no reversible procedural error.

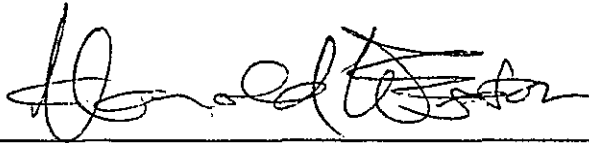
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He did not elect to attend the hearing that was conducted by Carrier in this matter, but was timely advised of the charges against him as well as the time, date and place of that proceeding. No valid ground is perceived for setting aside his dismissal.

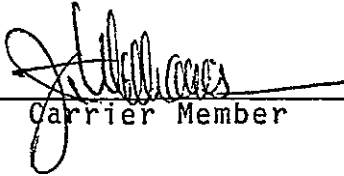
AWARD:

Claim denied.

Adopted at Jacksonville, Florida, January 28, 1985.



Harold M. Weston, Chairman


Carrier Member
Employee Member