

PUBLIC LAW BOARD - NO. 3514

Case 53

Award 53

PARTIES Consolidated Rail Brotherhood of Maintenance  
to Corporation and of Way Employes  
DISPUTE:

STATEMENT OF CLAIM: That Trackman William H. Koempe was unjustly dismissed from the service, and that he be reinstated to service with seniority and other rights unimpaired and compensated for all lost time while out of the service.

FINDINGS: The Claimant was dismissed from service on May 15, 1981 following an investigation at which time he was charged with taking Company property without proper authorization. The Claimant had earlier received the Carrier's permission to pick up old railroad ties and tie stubs. However, on the day of the incident that led to this dispute, the Claimant was found by the Carrier to have 25 new ties in his possession. At the hearing, he admitted that he did not have proper authority to take these new ties.

The Board is not unmindful, as argued by the Organization, that the Claimant was perhaps undergoing certain personal hardships which may have influenced him to take the new ties. However, Carrier argues, notwithstanding Claimant's contentions, that it cannot tolerate theft and, accordingly, that the claim should be denied. Under the circumstances prevalent herein, we will not disturb the Carrier's action.

AWARD

The claim is denied.

  
F. J. Domzalski  
Carrier Member

  
Eckehard Muessig  
Neutral Member

  
J. P. Cassese  
Employee Member

APR 11 1985