

PUBLIC LAW BOARD NO. 3542

Parties  
to the  
Dispute

Pennsylvania Federation Brotherhood of  
Maintenance of Way Employees

vs.

Consolidated Rail Corporation

Case No. 1  
Award No. 1

STATEMENT OF CLAIM

(a) That T. J. George, employed by the railroad in excess of five (5) years, be restored to service with seniority rights and all other privileges provided for by either agreement or past practice. That he be compensated for all lost wages due to this dismissal and until such time as he is returned to the services of the Carrier.

(b) That T. J. George's record be cleared of all charges brought against him.

OPINION OF THE BOARD

Claimant T. J. George, a Plumber's Helper at Carrier's Facility at Greentree, Pennsylvania, was charged with misuse of a Company credit card on February 12, 1982. (He was charged with using the Con Rail credit card to purchase gasoline for his private car). Claimant was notified by certified mail on February 16, 1982, to appear at a hearing into the matter on February 24, 1982. The hearing

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was held as scheduled without Claimant being present. At the conclusion of the hearing, Claimant was found guilty as charged and dismissed from Carrier's service.

Petitioner contends that Carrier denied Claimant a proper hearing and that the merits of the case do not support his dismissal even if Claimant is guilty as charged.

This Board has carefully reviewed the record of this case and must conclude that Claimant was granted all procedural and substantive rights guaranteed by Agreement and that he was guilty of using the Con Rail credit card to put \$24.00 worth of Exxon gas in his private car.

Petitioner's arguments that Claimant did not receive proper notice of the hearing and that he was denied his rights because Carrier proceeded without Claimant present, are not persuasive. Carrier properly mailed the notice of hearing to Claimant. It was signed for and received by a family member. Carrier fulfilled its responsibility to notify Claimant properly. Claimant failed to appear at the hearing at his own peril.

As to the merits of the case, the facts of the record overwhelmingly support the charge that Claimant used the Con Rail credit card to purchase gas for his private car. This is obviously stealing and Carrier need not continue in its employ people who steal from it.

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Claimant's behavior in this instance justifies dismissal from service. When this incident is viewed in light of his past record of discipline, Carrier is more than justified in dismissing Claimant.

AWARD

The claim is denied.

R. E. Dennis 9/20/84  
R. E. Dennis, Neutral Member

J. Dodd  
J. Dodd, Employee Member

P. O'Neil  
P. O'Neil, Carrier Member