

PUBLIC LAW BOARD NO. 3542

Parties  
to the  
Dispute

Pennsylvania Federation Brotherhood of  
Maintenance of Way Employees

vs.

Consolidated Rail Corporation

AWARD No. 20  
Case No. 23

STATEMENT OF CLAIM

(a) That Paul Cimasky, employed by the Carrier on June 18, 1974, 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 time lost until such time he is returned to the service of the Carrier.

(b) That Paul Cimasky's record be cleared of all charges brought against his record.

OPINION OF THE BOARD

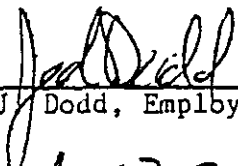
Claimant Paul Cimasky, employed by Carrier as a Repairman at Bethlehem, Pennsylvania, was charged with unauthorized use of a Company vehicle. This use resulted in severe damage to the truck. A hearing was held January 25, 1983, at which time Claimant was found guilty and dismissed from service. The transcript of that hearing has been made a part of the record of this case.

This Board has carefully reviewed that transcript and concludes that the evidence clearly supports a finding of guilty. Carrier need not tolerate unauthorized use of its machinery. Such behavior places Carrier at considerable risk and can result in extensive liability. Misuse in this instance was compounded by Claimant's denial of involvement and his state of intoxication at the time of the accident. This Board must conclude that Claimant was guilty as charged and that the discipline imposed was appropriate.

AWARD

The claim is denied.

  
R. E. Dennis, Neutral Member

  
J. Dodd, Employee Member  
6-12-85  
Date of Adoption

  
R. O'Neil, Carrier Member