

PUBLIC LAW BOARD NO. 3765

Parties
to the
Dispute

GRAND TRUNK WESTERN RAILROAD COMPANY

vs.

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

Case No. 15
Award No. 15

STATEMENT OF CLAIM

T. J. Ferro Dismissal - request that leniency be granted and that he be returned to service with no loss of seniority.

OPINION OF THE BOARD

Claimant T. J. Ferro was hired by Carrier in May 1973. On October 21, 1985, he was dismissed from Carrier's service for theft of company property (diesel fuel). At the time of the incident that led to his dismissal, Claimant was assigned as a Track Foreman at Royal Oak, Michigan.

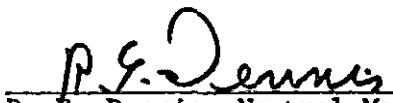
A review of the record reveals that Claimant admitted at the hearing that he directed an employee under his supervision to put Carrier's fuel in his car so that he could get to a gas station to fill his tank. It also reveals that Claimant was aware that this

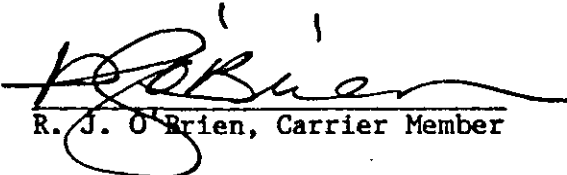
was a violation of the rules and a serious offense.

This Board has concluded from the record that while Claimant should be severely punished for directing that Carrier fuel be put in his truck, the incident does not warrant permanent removal from service. This Board thinks that Carrier can make its point in this instance with a long suspension. I therefore direct that Claimant be returned to service on a last-chance basis with seniority but without pay for lost time or benefits. Claimant should be on notice that his continued employment with Carrier depends on his ability to report to work on time on a regular basis and to observe all Company Rules and Regulations.

AWARD

The claim is sustained per Opinion of the Board.


R. E. Dennis, Neutral Member


R. J. O'Brien, Carrier Member


W. E. LaRue, Employee Member

5-23-88
Date of Adoption