

PUBLIC LAW BOARD NO. 3765

Parties
to the
Dispute

CONSOLIDATED RAIL SYSTEM FEDERATION BROTHERHOOD OF
MAINTENANCE OF WAY EMPLOYES

vs.

GRAND TRUNK WESTERN RAILROAD COMPANY

Award No. 3
Case No. 7

STATEMENT OF CLAIM

- (a) The dismissal of Trackman Cassanova Cathron was without just and sufficient cause and was arbitrary and capricious.
- (b) Claimant Cathron shall be restored to service without loss of compensation, seniority, vacation rights and all benefits and privileges he enjoyed prior to his dismissal.

OPINION OF THE BOARD

Claimant Cassanova Cathron was, at the time of the incident that is the subject of this case, a Trackman with three years of service, employed by Carrier at Flint, Michigan. On November 19, 1981, Claimant was notified to report for an investigation into an alleged violation of misuse of Company gasoline. The investigatory hearing was held on November 24, 1981. As a result of that hearing, Claimant

was found guilty as charged and was dismissed from Carrier's service. A transcript of that hearing is a part of the record before this Board for review.

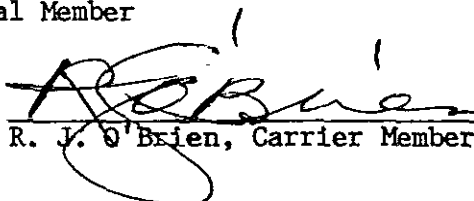
That review by this Board reveals that Claimant was guilty as charged and that dismissal is appropriate in this instance. It is clear from the record that Claimant asked for the key to the gas pump at the rip track, stating that he was going to fill a gas can. When he obtained the key, he filled up the private vehicle he was driving. When this offense is considered on its own, it is deserving of severe discipline. When considered in light of Claimant's two previous elements of discipline of 15 demerits for violation of safety rules and 10 demerits for failure to protect his assignment on four occasions, it is more than justified. Given the total record of the case, and the principles that bind an appellate body such as this Board, we can find no basis on which to overturn or modify the Carrier's action in this instance.

AWARD

The claim is denied.


R. E. Dennis, Neutral Member


W. E. Larue, Employee Member


R. J. O'Brien, Carrier Member

May 27, 1987
Date of Adoption