

Public Law Board No. 3794

Parties to Dispute:

Brotherhood of Maintenance
of Way Employees

and

Seaboard System Railroad

Statement of Claim:

1. The dismissal of Machine Operator H. Buzzell, Jr. was without just and sufficient cause and wholly disproportionate to the offense with which charged.

2. Claimant Buzzell shall be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered.

Findings:

Claimant was dismissed from Carrier's service for appropriating without authority Company gasoline.

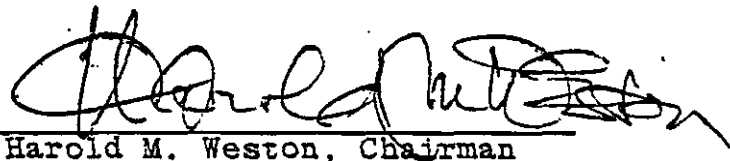
The record, including Claimant's own testimony, clearly establishes that at about 2 A.M. Claimant siphoned 2½ gallons of gasoline from a Company truck for use in his own personal car. His explanation was that was in financial difficulty that night. In his testimony, Claimant admitted that he had on prior occasions taken Company gasoline for use in his own car "when I absolutely had to".

Pilfering of Carrier's property cannot be condoned. It is always a matter of concern and very costly over the System. This

Board has no basis in these circumstances for substituting its judgment for that of Carrier. Claimant's long record of service has been given great weight but, on this record, does not provide a sound basis for compelling Carrier to reinstate Claimant.

Award: Claim denied.

Adopted at Jacksonville, Florida, *November 6* 1985.



Harold M. Weston, Chairman



Carrier Member



Employee Member