

Award No. 3
Case No: 4

Public Law Board No. 3794

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Seaboard System Railroad

STATEMENT
OF
CLAIM:

Appeal from dismissal of Trackman G. Signal, Jr.
and claim for reinstatement with seniority and all
other rights unimpaired and pay for wage loss suf-
fered.

FINDINGS:

Claimant, a trackman with five years service, was
dismissed on October 19, 1983 after having pleaded
guilty and been found guilty of sale of marijuana.
His sentence of two years was reduced by the Hart-
nett County, North Carolina Superior Court to two
years supervised probation.

The responsibility for entering a guilty plea to
a felony charge rests with claimant. There is no indication that Car-
rier officials influenced his decision in that regard. The sale of
marijuana is a serious offense that reflects on the degree of judgment
and balance that a railroad has every right to expect of an employee.
A valid basis exists for Carrier's decision to dismiss claimant.

We are unimpressed by Petitioner's contention that

charges were not mailed to claimant within the prescribed ten-day period. There is testimony in the record that they were mailed on the tenth day. Moreover, there is no dispute regarding claimant's guilty plea and conviction; no prejudicial error on Carrier's part is established by the record.

AWARD: Claim denied.

Adopted at Jacksonville, Florida, May 30, 1985.


Harold M. Weston, Chairman


Carrier Member


Employee Member