

PUBLIC LAW BOARD NO. 1760

Award No. 110

N&W File MW-DEC-84-106

Parties Brotherhood of Maintenance of Way Employes
to and
Dispute Norfolk and Western Railway Company
(Former Wabash)

Statement

of Claim: Claim on behalf of J. R. Downey requesting that he be reinstated with all rights unimpaired and paid for time lost as a result of his dismissal for misuse of a company credit card.

Findings: The Board has jurisdiction of this case by reason of the parties Agreement establishing this Board therefor.

The Carrier in 1988 conducted a system wide audit of purchases on the universal gasoline credit card for the accounting months of January 3, 1987 through February 1988.

Each credit card has a number and is assigned to a Company vehicle of the same number. As a result of that internal audit Claimant Welder's truck was found to have a higher average of purchases during the dated period. Claimant was interviewed on September 7 and 21, 1988 by the Manager of Audit because of purchases on 3 or 4 occasions. Claimant was removed from service pending the holding of a formal investigation which was held October 12, 1988. As a result thereof, he was discharged as discipline therefor.

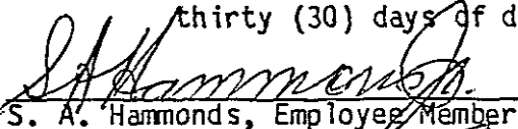
The Board finds that Claimant was accorded the due process under Rule 30.

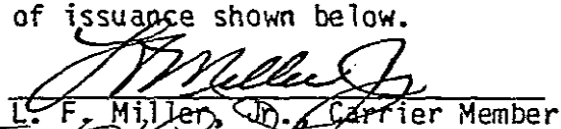
There was sufficient evidence adduced to support the conclusions reached by Carrier.


However, there were circumstances which serve to mitigate the discipline imposed. The Board will reinstate Claimant to service with all rights unimpaired but without pay for time out of service subject to passing the necessary physical examinations.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.


S. A. Hammonds, Employee Member


L. F. Miller, Jr., Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member