

PUBLIC LAW BOARD NO. 1760

Award No. 30

Docket NO. MW-STL-79-9

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Norfolk and Western Railway Company

Statement of Claim 1. Carrier violated the effective Agreement when Mr. R. D. Girtman was suspended from service from December 21, 1979 to February 13, 1980.

2. Claimant Girtman shall be paid for all time held out of service at his respective rate and any overtime that his respective gang would have worked during the period from December 21, 1979 to February 13, 1980 and that this hearing be stricken from his record as provided in Rule 20 of the effective Agreement.

Findings The Board, after hearing upon the whole record and all evidence, finds :
that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated February 2, 1976, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

This is a companion claim to that in Docket No. MW-STL-79-8 which resulted in our Award No. 29, the findings of which, by reference hereto, are incorporated herein and made part hereof.

Claimant was the accomplice, referred to in Award No. 29, who with his Foreman participated in the removal of gasoline from Carrier's pump in Luther Yard for use in said Foreman's car as well as Claimant's car. Claimant was charged with aiding and abetting his Foreman and for the unauthorized use and possession of company gasoline.

Claimant was accorded the due process to which entitled under Rule 20 - Discipline and Grievances. The record clearly reflects that

there was sufficient competent, credible and probative evidence adduced to support the conclusions reached by Carrier as to the culpability of Claimant.

In the circumstances, the discipline assessed was most reasonable.

This Claim will be denied.

Award Claim denied.



M. C. Christie, Employee Member



G. C. Edwards, Carrier Member



Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Salem, New Jersey, November 26, 1980.