

PUBLIC LAW BOARD NO. 1760

Award No. 44

Case No. 44

Docket No. MW-STL-81-4

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Norfolk and Western Railway Company (Former Wabash Railroad)

Statement

of Claim: Appeal of dismissal of Jesse Linville as a result of formal investigation held on September 23, 1981, and requesting that he be paid his respective rate for all time held out of service until he is restored to his Water Service Foreman's position.

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.

Claimant, a Water Service Foreman at Carrier's St. Louis Terminal, was dismissed by Carrier on August 25, 1981. A request for hearing was made and granted. Claimant was notified to attend thereat on a charge of theft of one (1) Delta 902 Antique Brass Finish Lavatory Faucet and the fraudulent use of Norfolk and Western Railway Company Purchase Order Number to purchase this faucet.

As a result of the investigation held, on September 23, 1981, Claimant was advised, on October 12, 1981, that his dismissal had been upheld.

Analysis of this record impells the Board to conclude that Claimant was accorded all of his subsistive rights assured him by his discipline rule.

There was sufficient competent and credible evidence adduced to support Carrier's conclusions as to Claimant's guilt. Here, Claimant's act involved dishonesty. As such he violated the fundamental tenant


of his relationship with his employer, i.e., honesty. When, as here, honesty is involved in an employment relationship of a common carrier immediate steps must be taken to remove such an individual from the Carrier's employ to assure retention of the public's confidence.

Dishonesty, when proven, normally results in dismissal. The Board finds that the discipline assessed was reasonable. This claim will be denied.

Award: Claim denied.


M. A. Christie, Employee Member


S. C. Lyons, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued May 13, 1983.