

Award No. 8
Case No. 8

Public Law Board No. 2203

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employes
and
Consolidated Rail Corporation

STATEMENT
OF
CLAIM:

1. Carrier violated Rules 5-A-1, 5-E-1 and other rules when it dismissed Welder J. A. Herman July 12, 1977.

2. Claimant's record be cleared and he be restored to services with all rights unimpaired and pay for time lost.

FINDINGS:

Claimant, a Frog Welder with about two years service, was found guilty by Carrier of having \$7.70 worth of gasoline pumped into his private automobile at Carrier's expense. He and a fellow employee had operated respectively a company truck and claimant's car to a gas station in Fort Wayne, Indiana. Claimant pumped gas into the truck and then, without resetting the pump,


pumped gas into his own automobile. Claimant paid for the total price of the gas, \$13, with a Company credit. He admitted these facts except that he maintains that he pumped \$3 and not \$7.74 worth of gas into his car.

It was not prejudicial error for Carrier to have suspended claimant pending investigation in view of the fact that it had reason to believe that claimant had misused a Company credit card.

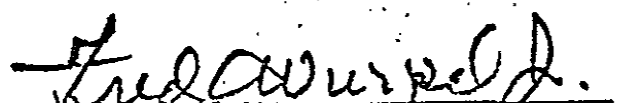
The use of a Company credit card by an employee to obtain goods for his own personal use is an extremely serious offense. And this conclusion holds true even if only a small amount of money is involved. The question of giving claimant another chance, because claimant had been called upon to use his own car on Company business from time to time or because of other considerations is for Carrier, in its discretion, to determine. However, this Board is not in a valid position to substitute its judgment for that of Carrier in regard to that issue. We must deny the claim on the basis of this record.

AWARD: Claim denied.

Adopted at Philadelphia, Pa., May 17, 1979.


Harold M. Weston, Chairman


Carrier Member


Employee Member