

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Louisville and Nashville Railroad Company

STATEMENT
OF
CLAIM:

The dismissal of G. L. Brock was without just and sufficient cause; he shall be allowed the remedy prescribed in Rule 27(f).

FINDINGS:

Claimant was dismissed from Carrier's service after a hearing had been held in the matter, for violation of Rule G since he was convicted of criminal possession of forged instruments in a court of competent jurisdiction -- Knox Circuit Court -- on March 17, 1981.

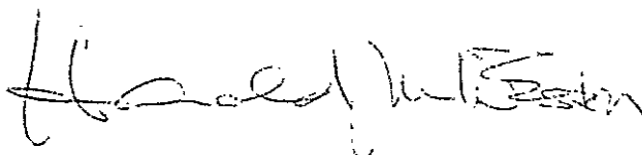
Ten of Carrier's payroll checks had been taken from the Barbourville, Kentucky, depot on November 13, 1980. Several of them appeared in the possession of claimant's brother. While claimant accompanied his brother to a bank where the brother was going to cash the checks, claimant insists that he did not know that the checks were forged or improperly in his brother's possession. When claimant discovered the truth, he attempted to talk his brother out of cashing them but without success.

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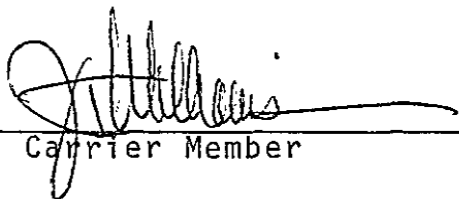
This is a sad case and we feel a good deal of compassion for claimant. The record provides no basis, however, for reversing Carrier's decision to dismiss claimant. He was found guilty by a court of competent jurisdiction and Rule G was clearly violated, even though he only was guilty of poor judgment and protecting his brother by not notifying Carrier and other authorities in a timely manner.

AWARD: Claim denied.

Adopted at Jacksonville, Florida, April 21, 1983.



Harold M. Weston, Chairman


Carrier Member
Employee Member