

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Seaboard System Railroad (L & N RR)

STATEMENT
OF
CLAIM:

Claimant Charles Ghant shall be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered.

FINDINGS:

The evidence, including claimant's own testimony, establishes that he took a company truck without authority and used it for a considerable number of hours before returning it to Carrier. He was under the influence of alcohol, he admits, during much of that time.

As a track repairman, there was no proper occasion for claimant to use the truck. That he needed it to meet his wife in connection with personal problems is not a persuasive excuse.

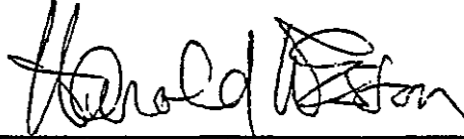
Dismissal is not excessive discipline in these circumstances. In determining the measure of discipline, it was not inappropriate for Carrier to consider the fact that claimant had previously, in 1979, been dismissed for insubordination and reinstated on a leniency basis.

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AWARD:

Claim denied.

Adopted at Jacksonville, Florida, November 6, 1984.



Harold M. Weston, Chairman

Carrier Member

Employee Member