

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

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

STATEMENT
OF
CLAIM:

1. The dismissal of C. Jackson, Jr., Track Repairman, was without just and sufficient cause and excessive.
2. Claimant shall be restored to service with all rights unimpaired and compensated for all wage loss.

FINDINGS:

While on duty at Cowan, Tennessee, claimant was discovered to have a loaded 38 caliber Derringer under the driver's seat of his automobile and a four inch HBI-Spain revolver as well as 38 caliber ammunition in the trunk of the automobile. Two packages of paper towels, eight bars of soap and some motor oil were also found in the trunk. Claimant did not have a permit for the pistols. The car was on Company property.

A Company rule clearly prohibits the possession of firearms or other weapons while on duty or Company property. Claimant had no authority from Carrier to have the pistols on Company property.

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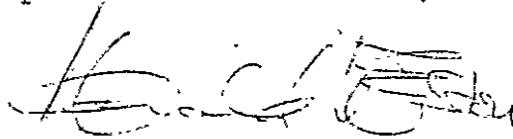
Petitioner points out that the car was locked and that claimant cooperated with the police making the search, directing them to the pistol under the front seat.

Upon evaluating the record, it is this Board's conclusion that a long suspension without pay amply emphasizes the importance of complying with the firearms rule. Dismissal is excessive in this situation. The motor oil was not proved to be Company property and the record is not sufficiently detailed to establish that the paper towels and soap found in the automobile call for extreme disciplinary action.

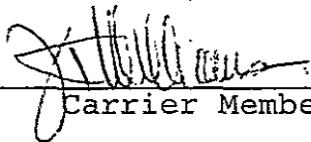
AWARD:

Claimant reinstated with seniority rights unimpaired but without back pay. To be effective within 30 days.

Adopted at Jacksonville, Florida, Dec. 19, 1985.



Harold M. Weston, Chairman



Carrier Member



Employee Member