

PUBLIC LAW BOARD NO. 2444

Award No. 32

Case No. 45

Docket No. MW 80-33

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Southern Pacific Transportation Company
(Texas and Louisiana Lines)

Statement of Claim 1. Carrier violated the effective Agreement when Machine Operator Michael Pate was unjustly dismissed by letter dated December 6, 1979.

2. Claimant Pate shall now be reinstated to his former position with pay for all time lost, seniority, vacation and all other rights unimpaired.

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 July 19, 1979, 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 Machiner Operator on Extra Gang 50, was notified under date of December 6, 1979 by the Regional Maintenance of Way Manager, as follows:

"You are dismissed from the service of the Southern Pacific Transportation Company for your unauthorized removal of company property, which is in violation of Rule 801 of the General Rules and Regulations of the General Notice effective April 1, 1978, on the Southern Pacific Transportation Company which reads in part as follows:

'801. Employees will not be retained in service who are...dishonest..."

A hearing was requested and granted and ultimately held January 8, 1980. As a result thereof Claimant was notified that the Carrier's position stated in its letter of December 6, 1979 was sustained.

There was sufficient evidence adduced at the investigation, including the testimony of Claimant, to support the conclusion reached by Carrier as to his culpability.

We find nothing in the record to cause a change in the discipline assessed. As pointed out in Public Law Board No. 1925, on this property,

"Honesty is a necessary requisite of the employment relationship."

This Claim will be denied.

Award

Claim denied.



M. A. Christie, Employee Member



C. B. Goyne, Carrier Member



Arthur T. Van Wart, Chairman
and Neutral Member