

PUBLIC LAW BOARD NO. 2444

Award No. 41

Case No. 54

Docket No. MW 80-124

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 Laborer P. E. Lerma was unjustly dismissed on unproven charges.

2. Claimant Lerma shall now be reinstated to his former position with pay for all time lost, seniority, vacation and all other rights unimpaired; and that this charge be stricken from his record.

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 track laborer, was employed by Carrier for nearly two years. He was advised, under date of June 17, 1980, as follows:

"You are dismissed from the service of the Southern Pacific Transportation Company for your theft of company property including chairs and tables, lube oil, cross tires, and cleaning equipment.

Dishonest behavior is in violation of Rule 801 of the General Rules and Regulations of the Southern Pacific Transportation Company. Rule 801 is quoted in part as follows:

'Employees will not be retained in service who are... dishonest, immoral...'

Claimant requested and was granted a hearing. As a result thereof Carrier concluded that the discipline assessed should be sustained.

Claimant was accorded the due process to which entitled under his discipline rule.


There was sufficient evidence adduced, including the admissions of Claimant to support the conclusions reached by Carrier as to Claimant's guilt. There is no need to repeat the sordid details. The Board does not pass upon the credibility of witnesses including Claimant's wife as such is reserved to Carrier.

It is a general tenant in the railroad industry, as it is elsewhere, that dishonesty is a most serious offense. Such conduct usually results in dismissal.

The Board finds no cause in this record to interfere with the discipline assessed. 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

Issued at Falmouth, Massachusetts, June 10, 1982.