

PUBLIC LAW BOARD NO. 2556

Award No. 11

Case No. 15

File No. MW-249

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Georgia, Southern and Florida Railway Company

Statement

of Claim: Claim on behalf of Lloyd Lee for reinstatement with seniority and other rights unimpaired, and pay for all time lost subsequent to 9/28/79; account dismissed for misappropriation of Carrier's property.

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 October 17, 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, following an investigation, was advised that he had been found guilty on the charge of misappropriation of Southern Railway Company's property for his own personal gain.

The Board finds that Claimant was accorded the due process to which entitled under his discipline rule. He was among other things capably represented, faced his accusers, participated in the trial and exercised his right of appeal.

There was sufficient evidence adduced to support the conclusions reached by Carrier.

The Board finds that there are circumstances which serve to mitigate the discipline. Claimant will therefore be returned to service with all rights unimpaired, but without any pay for time out of service, and be placed in a probationary status for a one year period. He will be permitted to return to any position below that of foreman.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.

A. D. Arnett

A. D. Arnett, Employee Member

R. S. Spenski

R. S. Spenski, Carrier Member

Arthur T. Van Wart

Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Wilmington, Delaware, April 30, 1982.