

PUBLIC LAW BOARD NO. 3765

Parties
to the
Dispute

GRAND TRUNK WESTERN RAILROAD COMPANY

vs.

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

Case No. 14
Award No. 14

STATEMENT OF CLAIM

R. J. Laurin's dismissal - request he be reinstated to service and paid for all lost time since June 6, 1985.

OPINION OF THE BOARD

Claimant R. J. Laurin was hired as a Trackman on September 9, 1977. On July 2, 1985, he was dismissed from service for attempted theft of company property. Claimant admitted placing railroad ties in his truck. A question arose as to whether Claimant had permission to remove the ties from company property and whether the ties in question were new or old.

The record reveals that Claimant did ask for and receive permission from Carrier's supervisor to remove old used ties from the property. It also reveals that there was some question about the usefulness of

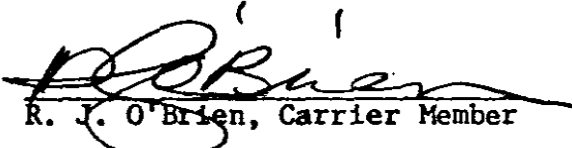
the ties he took. They had apparently been in the ditch along the track for three years and some were split. While this Board is persuaded that Claimant was aware that he was taking ties that he should not have, we are also convinced that he would have asked the Foreman to inspect the ties on his truck before he left the property with them.

The Board does not condone the stealing of Carrier property in any form, but, on occasion, penalties less than dismissal can serve to make Carrier's point on this issue. Claimant is an eight-year employe who has an otherwise clean record. The Board believes that the time held out of service is sufficient punishment to impress upon Claimant and his fellow workers that behavior as exhibited by Claimant will result in serious discipline.

AWARD

Claimant shall be returned to work on a last-chance basis with seniority but without pay for lost time or benefits.


R. E. Dennis, Neutral Member


R. J. O'Brien, Carrier Member


W. E. LaRue, Employe Member

5-23-88
Date of Adoption