

PUBLIC LAW BOARD NO. 3765

Parties
to the
Dispute

CONSOLIDATED RAIL SYSTEM FEDERATION BROTHERHOOD OF
MAINTENANCE OF WAY EMPLOYEES

vs.

GRAND TRUNK WESTERN RAILROAD COMPANY

Award No. 4
Case No. 8

STATEMENT OF CLAIM

- (a) The dismissal of Track Foreman R. D. Angellar was without just and sufficient cause, without consideration for his length of service or his honesty.
- (b) Claimant Angellar shall be restored to service with all benefits and privileges allowed him prior to his dismissal, including but not limited to vacation rights and seniority.

OPINION OF THE BOARD

Track Foreman R. D. Angellar, the Claimant, was employed by Carrier in Flint, Michigan. On January 5, 1983, he was notified to report for an investigation into a charge that he had put Company gasoline into his private car. A hearing into the matter was held on January 14, 1983. As a result of that hearing, Claimant was found guilty as charged and dismissed from service. A transcript of that

hearing has been made a part of the record. A review of that record reveals that the Claimant was guilty as charged and that his case was appealed on a leniency basis. It also reveals that Claimant had been found guilty of unauthorized purchase of gasoline through Company Purchase Orders for the period between January 2, 1980 through December 8, 1982.

This Board has carefully reviewed the record before it and has taken into account Claimant's long years of service (37 years). Because of those years of service, we are of the opinion that Claimant should be granted one last chance to become a loyal employee and work out his years to retirement. We therefore direct that Claimant be returned to work without pay for lost time or benefits but with seniority intact. Claimant should understand his return is on a last-chance basis and any major rule violation of any type will most assuredly result in his permanent removal from service.

AWARD

Claimant shall be returned to work with seniority intact but without pay for lost time or benefits.


R. E. Dennis, Neutral Member


W. E. Larue, Employee Member


R. J. O'Brien, Carrier Member

May 27, 1987
Date of Adoption