

PUBLIC LAW BOARD NO. 3765

Parties
to the
Dispute

BROTHERHOOD OF MAINTENANCE OF
WAY EMPLOYEES

vs.

GRAND TRUNK WESTERN RAILROAD
COMPANY

Case No. 43

STATEMENT OF CLAIM

The dismissal of Trackman, R.L. Bowen, for the theft of three paychecks of other employees, was arbitrary, capricious and exceedingly harsh.

Claimant Bowen shall be reinstated to service with seniority and benefits unimpaired, his record cleared of the charges leveled against him and be compensated for all losses incurred.

OPINION OF THE BOARD

At the time of the incident that gave rise to his termination from service, Russel Bowen, the Claimant, was a furloughed Trackman. Claimant was accused by Carrier of

stealing three employee's paychecks on three separate occasions from the Bristol Yard Administration Building. He eventually admitted that he stole and cashed the three checks. In defense of his actions, Claimant alleged that he had been drinking on the three occasions when he stole the checks and that he had an ongoing problem with alcohol. Carrier charged Claimant with theft. A hearing into the matter was held. Claimant admitted to the charges against him. Carrier ultimately dismissed him from service.

This Board has no recourse but to support Carrier in this instance. Stealing from the Company or from fellow employees is a dismissable offense, regardless of length of service, past record, or, as Claimant contends, problems with alcohol or drugs. It is behavior that cannot be tolerated.

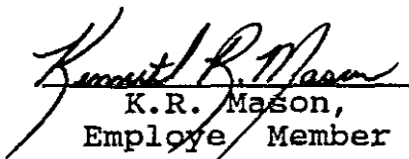
AWARD

Claim denied.



R.E. Dennis,
Neutral Member


J.A. DeRoche,
Carrier Member


K.R. Mason,
Employee Member


Date of Adoption