

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

ILLINOIS CENTRAL RAILROAD

PUBLIC LAW BOARD No. 4331: CASE No. 11

STATEMENT OF THE CLAIM

S.J. Le Bouef was improperly dismissed.

OPINION OF THE BOARD

On April 16, 1987, the Claimant, Mr. Sidney Le Bouef, was dismissed from employment with the Carrier for allegedly using a Carrier credit card for his personal use.

Although Mr. Le Bouef argues that he never purchased gasoline for his personal use with a Carrier credit card, three (3) non-employee witnesses testified that on several occasions, over a period of months, Mr. Le Bouef used a Carrier credit card for his personal use. Upon consideration of the entire record of this case, the assignment of controlling credibility to the testimony of the three (3) non-employee witnesses is right and proper. Moreover, no reason has been established why these witnesses would accuse Mr. Le Bouef without justification.

There is no basis in the record to grant leniency in the application of discipline. Mr. Le Bouef was provided a fair and impartial hearing.

AWARD

Claim denied.



Ronald L. Miller  
Chairman and Neutral Member



J.S. Gibbins  
Carrier Member



D.B. Bartholomay  
Organization Member

21 June 1988

Date