

PUBLIC LAW BOARD – NO. 6461

Case No. 3

Award No. 3

PARTIES

Brotherhood of Maintenance of Way Employees

to

-and-

DISPUTE:

Grand Trunk Western Railway

STATEMENT OF CLAIM:

Appeal of the discipline of dismissal imposed
on Mark Head effective, August 9, 2001.


FINDINGS: On July 24, 2001, a notice was sent to the claimant charging him with the
following offense:

“alleged theft of company property at approximately 1430
hours on Thursday, July 19, 2001, in that Fuel Truck Driver
Mark Head was observed pumping gasoline from the GTW
Fuel Truck into the gasoline tank of Foreman Jose Martinez
Personal vehicle at Lansing, Michigan.”

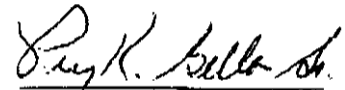
At claimant's July 30, 2001 hearing, Engineer Work Equipment T. L. Powers testified that
on the date in question, while driving through Lansing Yard, he noticed a company fuel truck
parked and operating among a group of private vehicles and observed the claimant fueling a
black pick-up truck. He said he stopped and got out of his vehicle and approached the
claimant and asked him why he was fueling a private vehicle. He said the claimant told him
that he put 2 gallons of gas into the vehicle that belonged to Mr. Jose Martinez. He also
stated that Mr. Martinez had asked him to do so. The record shows the claimant took no
exception to Mr. Power's testimony and freely admitted his responsibility in this matter.

Clearly, the Carrier has every right to expect honest employees and has no obligation to
retain those who, by their own admission, are not. Therefore, in consideration of the
seriousness of the proven offense, we have no proper basis to disturb the Carrier's decision in
this case.

AWARD: The claim is denied.


Francis J. Domzalski
Neutral Member


Marilyn J. Kovacs
Carrier Member


Perry K. Geller, Sr.
Organization Member

Dated: 1-17-02