

BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 1037

Case No. 8

PARTIES: Brotherhood of Maintenance of Way Employees
TO :
DISPUTE: CSX Transportation, Inc.

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
that:

Dismissal of D.A. Hart, ID #165888, as a result of
investigation held March 16, 1990, at Tampa, Florida."

FINDINGS:

A formal hearing was held on March 16, 1990, in connection with charges placed against Claimant for violation of the law and conduct which may damage the Company's reputation. As a result, Claimant was dismissed from service. The Organization thereafter filed a claim on Claimant's behalf, challenging his dismissal.

This Board has reviewed the evidence and testimony in this case and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of the rule violations with which he was charged. There is no question that he entered a plea of nolo contendere to charges of burglary and dealing in stolen property.

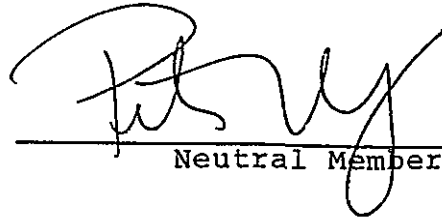
Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. This Board will not set aside a Carrier's imposition of discipline unless we find its action to have been unreasonable, arbitrary, or capricious.

In the case at hand, given the nature of the wrongdoing, this Board cannot find that the Carrier acted arbitrarily or unreasonably when it terminated the Claimant's employment. Therefore, the claim

will be denied.

Award:


Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: July 30, 1990