

SPECIAL BOARD OF ADJUSTMENT NO. 936

Parties
to the
Dispute

:
: Brotherhood of Maintenance of Way Employees :
: :
: vs. :
: :
: Norfolk and Western Railway Company :
: (Lake Region) :
:

Case No. 3
Award No. 3

STATEMENT OF CLAIM

(1) The dismissal of Laborer James E. Morris was without just and sufficient cause and an abuse of Carrier's discretion. [File No. MW-BVE-78-45]

(2) Laborer James E. Morris shall now be allowed the remedy prescribed in Rule 22(e).

OPINION OF THE BOARD

Claimant J. E. Morris was employed by Carrier as a Laborer. On August 24, 1979, he pleaded guilty to two counts of endangering children, and was placed on a five-year suspended sentence and ordered to admit himself to a hospital for psychiatric care. When Carrier was informed of this incident, it charged Claimant with behavior unbecoming an employee of the Norfolk and Western Railroad. An investigation into the matter was held on March 14, 1980. Claimant was found guilty as charged and dismissed from Carrier's service.

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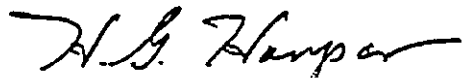
This Board has reviewed the record of this case and can find no basis on which to modify or overturn Carrier's actions in this instance. Carrier has concluded from the record available to it prior to the hearing, from findings at the hearing, and from numerous discussions with the Organization Representative on the property that Claimant's presence on Carrier's property could be a danger to Carrier employees and patrons. This Board has no authority to decide otherwise.

AWARD

The claim is denied.


R. E. Dennis, Neutral Member


S. C. Lyons, Carrier Member


H. G. Harper, Employee Member

MAY 10 1984