

Award No. 15
Case No. 16

Special Board of Adjustment No. 956

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employes
and
New Jersey Transit Rail Operations Inc.

STATEMENT
OF
CLAIM:

Trackman J. Adams' dismissal was excessive and disproportionate to the offense allegedly committed and he should be returned to service with seniority and all other rights unimpaired and compensation for all wage loss suffered.

FINDINGS:

Claimant was dismissed for taking two bags of clothing that belonged to a commuter on Train 309. He had completed his tour of duty at 3:30 p.m. that day and boarded Train 309 at Hoboken enroute to his home in Patterson. The record shows that while on the train, claimant picked up two shopping bags momentarily left by a commuter and rushed out of the train.

Claimant pleaded guilty to a charge of appropriation of property under \$200 and was fined. His explanation that it was his intention to take the packages to Lost and Found is unpersuasive in this setting; he was apprehended while going in the opposite direction from the Lost and Found office.

No ground is perceived for setting aside Carrier's findings and decision to dismiss claimant.

AWARD: Claim denied.

Adopted at Newark, N. J., 11/17 1985.



Harold M. Weston, Chairman



Carrier Member



Employee Member