

**Form 1**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
FIRST DIVISION**

**Award No. 26826  
Docket No. 46599  
09-1-NRAB-00001-070035  
07-1-35**

**The First Division consisted of the regular members and in addition Referee Robert Richter when award was rendered.**

**PARTIES TO DISPUTE: (**  
**(United Transportation Union**  
**(BNSF Railway Company**

**STATEMENT OF CLAIM:**

**“Organization File# DISP DARVIS 10/03/03  
Carrier File# 53-04-0187**

**Claim in behalf of Whitefish, MT Conductor F. D. Darvis immediate return to service, pay for all time lost, including attending investigation and complete record clearance of the entire incident account dismissed from service on October 3, 2003, for alleged violation of GCOR Rule 1.9 and General Notice 93 (Revised Policy for Employee Performance Accountability) for felony conviction on July 10, 2003 in U.S. District Court in Missoula, Montana.”**

**FINDINGS:**

**The First Division of the Adjustment Board, upon the whole record and all the evidence, finds that:**

**The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.**

**This Division of the Adjustment Board has jurisdiction over the dispute involved herein.**

**Parties to said dispute were given due notice of hearing thereon.**

As a result of an Investigation held on September 19, the Carrier found the Claimant violated Rule 1.9 by being convicted of a felony on July 10, 2003. On October 3, 2003 the Carrier dismissed the Claimant from its service.

A review of the record shows that the Claimant was convicted of forging 60 checks. The Claimant clearly violated the Carrier's Rules. Accordingly, the Claimant's dismissal was warranted and will not be disturbed.

**AWARD**

Claim denied.

**ORDER**

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of First Division

Dated at Chicago, Illinois, this 2nd day of April 2009.