

The Second Division consisted of the regular members and in addition Referee Thomas F. Carey when award was rendered.

Parties to Dispute: ( International Association of Machinists and  
( Aerospace Workers  
(  
( Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That the Consolidated Rail Corporation be ordered to restore Machinist Frank P. Ceroalo to service and compensate him for all lost pay up to time of restoration to service at the prevailing Machinists' rate of pay.
2. That Machinist Frank P. Ceroala be compensated for all insurance benefits, vacation benefits, holiday benefits, and any other benefits that may have accrued and was lost during this period, in accordance with rule J-1(e) of the prevailing Agreement which was effective April 1, 1976.

Findings:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe 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 waived right of appearance at hearing thereon.

Claimant was found guilty, following an investigation held on September 27, 1978 of the following charge:

"You are hereby being charged with forgery for your unauthorized use of meal tickets at approximately 7:10 P.M. on September 8, 1978 which resulted in your apprehension at the General Yard Office Building by the Consolidated Police Department at 7:30 PM on said date."

The Claimant was dismissed from service on October 2, 1978.

The Claimant, on September 8, 1978, voluntarily signed a statement which contained, in part the following admission:

"Q. What department are you working with, for the railroad?

A. Diesel Shop - Mechanical Department.

- Q. Did you possess Meal Tickets belonging to the railroad and if so, what were you doing with them?
- A. Yes - I was getting food with them for the family, I had ten meal tickets that I filled out, signing them with names and man numbers of employees at the Fueling Plant. I then went to the 'Y' and purchased food with the Meal Tickets, and I would take the food home.
- Q. How many times have you signed other employees names and taken these tickets to the YMCA, and turned them in for food?
- A. A number of times, about fifteen (15) times, turning in around seven (7) tickets each time.
- Q. When was the last time that you signed other employees names to the ticket and turned them in for food?
- A. Tonight, Sept. 8, 1978, about 7:00 PM.
- Q. Who's name were you signing to the Meal Tickets, authorizing the meals?
- A. General Foreman - Delehanty and C. L. Roberts.
- Q. Will you look at these meal tickets, that have been turned in prior to this date, and initial the tickets that you signed other employee names to?
- A. Yes sir.

I have read this statement of 1 page (s) and I certify that the facts contained therein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement."

The Board having reviewed the transcript finds that the Claimant was afforded a fair and impartial hearing. The Board finds the Carrier took the action it did on the basis of substantial evidence in the record, not the least one being the admission of guilt to the charge by the Claimant. No basis exists to reverse the Carrier's decision.

A W A R D

Claim denied.

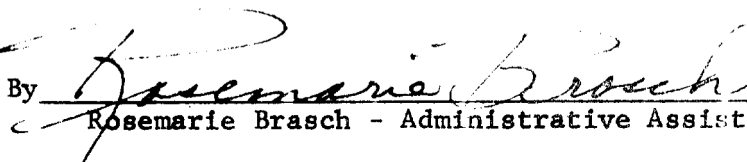
Form 1  
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Award No. 8862  
Docket No. 8674  
2-CR-MA-'82

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 13th day of January, 1982.