

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: (International Association of Machinists and
(Aerospace Workers, AFL-CIO
(
(Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company unjustly suspended Machinist E. P. Sparr from service on December 1, 1972 for alleged falsifying of Form 25288 (time card) on November 17, 1972.
2. That accordingly, the Missouri Pacific Railroad Company be ordered to compensate Machinist E. P. Sparr at the pro rata rate of pay for each work day beginning December 1, 1972, until he is reinstated, in addition he receive all fringe benefits flowing to any other employee in active service including vacation rights and seniority unimpaired. In addition to the money amounts herein, the Carrier shall pay Claimant an additional amount of 6% per annum compounded annually on the anniversary date of the claim; also for his personal records to be cleared by letter of this discipline.

Findings:

The Second 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 waived right of appearance at hearing thereon.

Claimant, with approximately 30 years of apparently unblemished service, was charged with falsifying a time slip. Claimant was also called for investigation "to review your record of absenteeism and tardiness." After investigation and hearing, Claimant was dismissed from Carrier's service.

After reviewing the record in dispute, the Board cannot agree with the discipline imposed. Under the particular circumstances, dismissal from service was excessive.

Accordingly, Claimant shall be reinstated to service with seniority and vacation rights unimpaired, without pay for time lost and without any of the fringe benefits claimed.

A W A R D

Claim disposed of per findings herein.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 26th day of August, 1975.