

The Second Division consisted of the regular members and in addition Referee Robert G. Williams when award was rendered.

Parties to Dispute:      { System Federation No. 4, Railway Employees'  
                                 { Department, A. F. of L.      -      C. I. O.  
                                 { (Carmen)  
                                 {  
                                 { Chesapeake and Ohio Railway Company

Dispute: Claim of Employees:

1. That Carman J. R. Johnson was unjustly dismissed from the service of the Chesapeake and Ohio Railway Company in a very discriminatory manner as result of investigation held in the office of Plant Manager, Raceland Car Shop, at 10:00 a.m., Wednesday, May 21, 1975, in violation of Rule 37 of the Shop Crafts Agreement.
2. Accordingly, Johnson is entitled to be reinstated to service with seniority rights unimpaired, compensated eight (8) hours each day, five (5) days each week, commencing May 19, 1975 at the Fab Machine Operator's applicable straight time rate, insurance for himself and family, all days accredited as qualifying days for vacation and all other benefits accruing to regular employees. Said claim to remain effect until such time that Johnson is restored to service with full seniority and the discrimination against him is discontinued.

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 employees 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.

This Board has reviewed the records of hearings in this case. The record clearly establishes the charges against the Claimant and the discipline administered. The Claimant was properly discharged for falsifying his report of an alleged injury. The claim therefore must be denied.

A W A R D

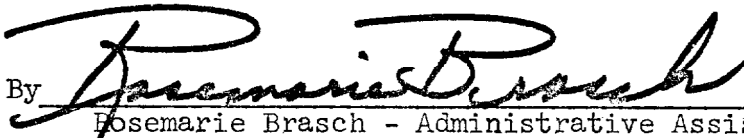
Claim denied.

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Award No. 7738  
Docket No. 7334  
2-C&O-CM-'78

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 29th day of November, 1978.