

Parties to Dispute:

( Brotherhood Railway Carmen of the United States  
( and Canada  
(  
( Indiana Harbor Belt Railroad Company

The Carrier contends that the Yard foreman could not find Claimant anywhere near his assigned work area for most of his January 9, 1979 shift. The Carrier characterizes Claimant's testimony as both confusing and contradictory and so,

by implication, Claimant must be concealing the fact that he failed to perform his assigned duties.

We have carefully reviewed the transcript of the February 2, 1979 investigation and we conclude that the Carrier presented substantial evidence that Claimant was not available to perform his assigned duties and that he falsified his time card. Claimant conceded that he went home at least one-half hour early. The Yard Foreman testified that he could not find Claimant or his automobile fifty minutes before the shift ended. In addition, Claimant's whereabouts were unknown between 5:00 p.m. and 6:40 p.m. While Claimant could legitimately take twenty minutes for a meal break during this period, Claimant provided no reasonable explanation for being absent the remainder of the period. Even though Claimant abdicated his responsibilities and duties, he submitted a time card showing he worked a full eight hour tour of duty.

Claimant committed serious offenses. The Carrier must rightly rely on its employees to be available to perform duties during their assigned shift. Furthermore, many awards of this Board (too numerous to cite) have held that dishonesty is grounds for dismissal. These serious offenses in conjunction with Claimant's poor prior discipline record and his short length of service warrant this Board's decision to uphold the assessed discipline.

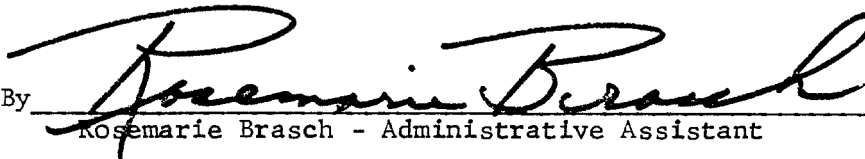
We need not consider the Organization's appeal of Claimant's alleged failure to report off duty on four days in January, 1979. Even if we were to sustain the Organization's arguments, we could not alter the ultimate disposition of this case. Similarly, since we have denied this claim on its merits, we need not address the Carrier's procedural objections regarding the alleged defects in the statement of the claim presented to this Board.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By   
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 13th day of April, 1983.