

The Second Division consisted of the regular members and in addition Referee Paul C. Carter when award was rendered.

Parties to Dispute: (International Association of Machinists and
(Aerospace Workers
(The Baltimore and Ohio Railroad Company

Dispute: Claim of Employees:

1. That, under the current Agreement, the Baltimore and Ohio Railroad Company unjustly dismissed from service Equipment Repairman William Scott Peters from the date of August 15, 1980.

2. That, accordingly, The Baltimore and Ohio Railroad Company be ordered to reinstate Equipment Repairman William Scott Peters to his former position, compensate him for all time lost from August 15, 1980 until restored to service, with seniority unimpaired, made whole for all vacation rights, and payment for Health and Welfare and Death Benefits, under Travelers' Insurance Policy GA-23000 and Railroad Employees' National Dental Plan GP-12000.

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 employes 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.

The claimant herein was formerly employed as an Equipment Repairman, with a regular assignment with the Tie Unit headquartered at Garrett, Indiana, with three years and eight months of service. On July 16, 1980, claimant was notified:

"Arrange to attend investigation in Manager Engineering Office,
39 South Main Street, Akron, Ohio Thursday, July 24, 1980, at 1:00 P.M.,
E.D.T.

You are charged with falsifying your time sheet on June 17, 1980 and June 19, 1980 in that the time you reported on your time sheet was not worked.

Arrange for representative and/or witnesses if desired."

By agreement, the investigation was postponed and conducted on August 13, 1980. A copy of the transcript has been made a part of the record. Claimant was represented in the investigation by the General Chairman of the Organization. At the beginning of the investigation Claimant's representative requested the sequestering of witnesses, which request was denied by the hearing officer. We have been referred to no rule requiring the sequestering of witnesses, and the Board has held that in the absence of such a rule, the matter is left to the discretion of the hearing officer, and the failure to exclude witnesses until called to testify does not deny the claimant a fair and impartial hearing. See Second Division Award No. 4001, and Third Division Award No. 19487 and the other awards cited therein.

In the investigation it was developed that claimant made out a time sheet each week indicating the time that he worked, along with a distribution sheet indicating the nature of his work for the period. The original of the time sheet was mailed directly to the Auditor of Accounts Payable in Baltimore, Maryland. It was also developed that for June 17, 1980, claimant reported eight hours at straight time rate and four and one-half hours at overtime rate, but that he actually performed no work on June 17, 1980. The claimant so admitted. His distribution sheet for that day showed 6 hours installing cross ties - Main Track, Lapaz, Indiana, 3 hours repair XTI-502 at Lapaz, Indiana, 1 hour and 30 minutes repair SDQ-502, Lapaz, Indiana, 2 hours repair AAQ-501, Lapaz, Indiana.

Where employees report their own time a matter of trust is involved and all possible care must be taken to see that time is accurately recorded. Claimant clearly falsified his time sheet and distribution sheet for June 17, 1980, and this Board has consistently upheld the dismissal of employees for such acts. See Second Division Awards 1756, 8470, and Third Division Awards Nos. 16168, 21323, 24295 and 24727.

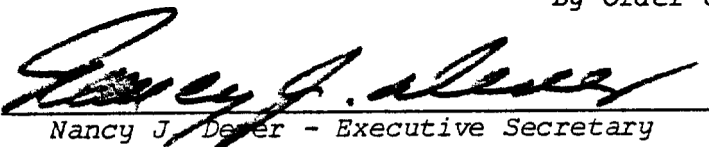
The Board will uphold the dismissal of claimant for falsification of his time sheet for June 17, 1980, without discussion of other issues raised.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 13th day of June, 1984