

The Second Division consisted of the regular members and in addition Referee Kay McMurray when award was rendered.

Parties to Dispute: { Brotherhood Railway Carmen of the United States  
and Canada  
{ Washington Terminal Company

Dispute: Claim of Employees:

1. That the Washington Terminal Company violated the controlling agreement when they unjustly assessed Car Cleaner L. K. Love a fifteen (15) calendar days suspension as a result of an investigation held on December 12, 1978.
2. That accordingly the Washington Terminal Company be ordered to compensate Ms. L. K. Love her net wage loss caused by this unjust, capricious and unwarranted suspension.

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.

This claim arises from the circumstances associated with Award No. 8646 decided by this Board. One of the first issues involved in that Award consisted of a charge that the same Claimant involved herein was absent from duty without permission on the afternoon of August 1, 1978. During the course of the hearing in Award No. 8646 the evidence included testimony that Ms. Love had not turned in her time card at the end of her shift on August 1, 1978. Subsequent to the hearing on August 22, 1978, Claimant filled out her time card for a full eight hour day on August 1, 1978, and turned it in to the carrier on September 12, 1978.

In view of the carrier's determination in Award 8646 that claimant was absent for some time on that date, Ms. Love was charged in this instance with a violation of General Rule "N" of the Washington Terminal Company. That rule provides that:

"... falsifying reports ... participating in any dishonest activity..."

will place the individual in jeopardy and corrective action may be taken. Claimant was charged with falsifying her time card of August 1, 1978.

This Board found in Award No. 8646 that Claimant was absent from duty during the late portion of the shift on August 1, 1978. We refer to that award for an explanation of the decision. Having found that Ms. Love did not work a full day on the date in question, it follows that a claim for a full day's pay does not meet the standards associated with Rule "N".

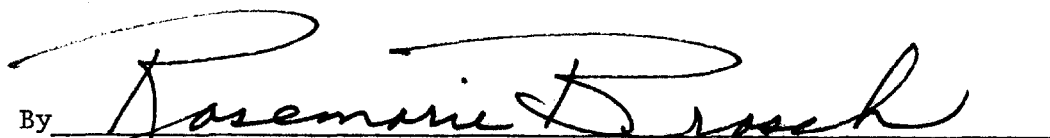
A W A R D

Claim denied.

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 4th day of March, 1981.