

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

Parties to Dispute: (International Brotherhood of Firemen & Oilers  
(Houston Belt & Terminal Railway Company

Dispute: Claim of Employees:

1. That the Carrier's action in dismissing Mr. C. L. Francis from service on March 9, 1981, was indeed harsh, out of proportion, excessive and constituted an abuse of discretion.

2. That accordingly, the Houston Belt and Terminal Railway restore Mr. C. L. Francis to service -

- (a) With his seniority rights unimpaired;
- (b) Compensation for all time lost, plus 12% annual interest;
- (c) Make whole all vacation rights;
- (d) Paid premiums (or hospital dues for hospital, surgical, and medical benefits for all time held out of service;
- (e) Pay premium for his group life insurance for all time held out of service.

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 employees 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 was employed as a Laborer at Carrier's Milby Street Shop in Houston, Texas. On two occasions in February 1981, he claimed time for which he did not work. He was charged with falsification of his time card on these two occasions. As a result of this and his absenteeism, he was removed from service. An Investigation into the matter was held on March 5, 1981. As a result of that Investigation, Claimant was found guilty as charged and dismissed from service.

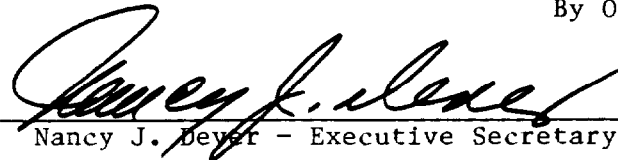
This Board has carefully reviewed the record of this case, including the Transcript of the Investigation and we concur with Carrier's actions in this instance. Claimant was a short-term employe (six months), who falsified his time card on two occasions and was frequently tardy or absent from work. Carrier is not obligated to give such employes a second chance.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 26th day of August 1987.