

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13805

Docket No. 13690

04-2-03-2-13

The Second Division consisted of the regular members and in addition Referee Carmelo R. Gianino when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers
(Canadian Pacific Railway Company)

STATEMENT OF CLAIM:

- “1. That the Canadian Pacific Railway Company (Soo Line) violated the current Agreement effective September 1, 1941, in particular Rule 12, when they dismissed Assistant Communications Maintainer Ann M. Snyder on February 27, 2002.
2. That the Carrier failed to provide Assistant Communications Maintainer Ann M. Snyder with a fair and impartial investigation, as mandated under Rule 12 and, as a result, assessed the ultimate penalty, dismissal.
3. That accordingly, the Canadian Pacific Railway Company be ordered to promptly reinstate Assistant Communications Maintainer Ann M. Snyder to service with all seniority rights unimpaired and make her whole for all wages and benefits lost including, but not limited to, vacation, insurance, hospitalization, and railroad retirement, commencing February 27, 2002, and continuing until Ms. Snyder is returned to service.
4. That the Canadian Pacific Railway Company be ordered to promptly remove the improper Notice of Discipline, dated February 27, 2002; and that any and all reference thereto, including all relative correspondence in connection with the

alleged matters surrounding the investigation held February 13, 2002, be removed from Ms. Snyder's personal record."

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 employee 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 were given due notice of hearing thereon.

By letter dated January 23, 2002, the Claimant was instructed to attend a formal Investigation to hear charges that she may have submitted a fraudulent second class or better Federal Communications Commission radio-telephone operator's license. The Hearing was mutually postponed and subsequently held on February 13, 2002. By letter dated February 27, 2002, the Claimant was found guilty of the charge and dismissed from company service. The decision was properly appealed on the property and is now before the Board for adjudication.

The Claimant had been an employee of the Carrier for approximately 18 months at the time of her dismissal. The Claimant had been advised at interview that she would be required to obtain a second-class or better FCC radio-telephone license. At the Hearing, she readily admitted she had not obtained the license. She further admitted that she fraudulently typed her own name and birth date on another person's license. She attempts to excuse this deception by testifying that she was under stress because her father was ill. The Organization argues that the Carrier did not hold a fair and impartial Hearing.

The Board is unmoved by the arguments. The Claimant admitted to the violation. There is not much more that needs to be said. Before the forgery, she

neither attempted to legitimately obtain the license nor did she request additional time to secure it. Employers have a right to expect honesty from their employees. Once that trust is broken, especially in this case where fraudulent official documents are deliberately presented and meant to deceive, it is extremely difficult to reestablish that trust. This is not a case of taking pencils from the stockroom. It is far more egregious than that. The Board cannot condone such actions under any circumstances, and will not disturb the Carrier's penalty.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

Dated at Chicago, Illinois, this 16th day of September 2004.