

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21005
Docket Number MW-21196

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way **Employees**
(
(Southern **Pacific** Transportation Company
((Pacific Lines)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The **dismissal** of **Track** Laborer D. C. **Collin** was improper, unwarranted and without just and sufficient cause **[System File 011-181 (c)]**.

(2) Claimant D. C. **Collin** be reinstated **with seniority** and **all** other rights unimpaired, his record be cleared and he be compensated for **all** wage loss suffered in compliance with Rule **45(b)**.

OPINION OF BOARD: On July 25, **1974**, Claimant advised Carrier that he had been injured **on** July 23, 1974 - but that the **injury** was not job-related. On September **26**, 1974 Claimant altered **his** prior statement, and asserted that the July 23, 1974 accident occurred **while** on duty on **Carrier's premises**.

Claimant **was** cited **for an investigation** on a charge of "dishonesty" in violation of Rule **801**. Subsequent to Investigation, Claimant was **dismissed**.

It **is** conceded that the Claimant's July statement **was** improper, but he **claims** that he **was**, in some manner, protecting the **interest** of the Roadmaster. **However**, there is no **indication** in the record to suggest that the **Roadmaster** ever requested the incorrect statement, or - for that matter - that he was **even** aware of **Claimant's** intention at the time..

Carrier has presented substantial evidence to support the charge and the **dismissal**.

FINDINGS: The **Third** Division of the **Adjustment Board**, upon the whole record and all the evidence, **finds** and **holds**:

That the parties waived oral hearing;

That the Carrier and the **Employees involved** in this dispute are respectively Carrier and **Employees within** the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment **Board** has jurisdiction over the dispute **involved** herein; and

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That the Agreement ~~was~~ not violated.

A W A R D

~~Claim~~denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated et Chicago, ~~Illinois~~, this 12th day of March 1976.