

NATIONAL RAILROAD ADJUSTMENT BOARD

TRIRDDIVISION

Award Number **21562**  
Docket Number **SG-21701**

Joseph A. Sickles, Referee

**PARTIES TO DISPUTE:** (Brotherhood of **Railroad Signalmen**  
(Southern Pacific Transportation **Company**  
(Texas and Louisiana-Lines)

**STATEMENT OF CLAIM:** Claim of the General **Committee** of the Brotherhood of Railroad **Signalmen** on the Southern Pacific Transportation **Company** - Texas and Louisiana Lines):

On behalf of Assistant **Signalman** William Preston Russell, Jr., Houston Division, for **reinstatement** to service without loss of pay and rights **unimpaired**.

**OPINION OF BOARD:** On **August 21, 1975, Claimant** was notified to attend an investigation on the following charge:

"You were charged with falsification of your personal record, **Form** S-2946, signed by you on July **26, 1974**, when you answered 'no' to question No. **19**, 'Have you ever been convicted,' when records of the Harris County Court No. 2 show that you were arrested on May **7, 1973**, in case No. **179844**, charged with fleeing a police officer, and that you were convicted of that charge on August **1, 1973**, and received a (30) thirty-day jail sentence, which was probated for six **(6) months**."

Subsequent to investigation, **Claimant's** services were terminated.

There is no question that **Claimant** pled guilty to and was convicted of (on August 1, **1973**) the offense of "fleeing a police officer", and that he was fined **\$149.00** (\$100.00 fine and **\$49.00** Court costs) and received a thirty (30) day jail sentence, probated for six **(6) months**. It is equally uncontroverted that on July **26, 1974**, he wrote "**No**" in answer to Question **19** on the **employment** application, "Have you ever been convicted?"

**Claimant** requests this Board to accept his assertion that he did not deliberately falsify his application because "I did not know and I thought it was a speeding violation because of fleeing, I was speeding." Moreover, he states that he **was** under the **impression** that his probated sentence cleared his record with the Police **Department**.

Although we have noted the **Claimant's** testimonial assertions, there is simply nothing of record which would tend to corroborate his stated misunderstanding of his history. The conviction occurred less than one year prior to his falsification so that the events should not have been vague in his mind. **Further**, he testified that he had signed a piece of paper concerning the 6 months' probation "...and if I **received** any offense, I would be put in jail." We can **only** conclude that his falsification was deliberate.

**Item 26** of the application form signed by Claimant clearly warns that false **statements** contained therein **will** justify and cause **termination**.

Carrier cites a **number** of Awards which have concluded that falsification of an **employment** record is a proper basis for dismissal. There is nothing contained in this record **which** would impel us to reach a contrary conclusion.

**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

**That** the **Agreement** was not violated.

A W A R D

Claim denied.

ATTEST: *A. W. Paulsen*  
Executive Secretary

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Dated at Chicago, Illinois, this 31st day of May 1977.