

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number 25336
Docket Number MW-25416

Eckehard Muessig, Referee

(Brotherhood of Maintenance of Way **Employees**
PARTIES TO DISPUTE: (
(Louisiana & Arkansas Railway Company

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

(1) The **thirty (30)** days of suspension imposed upon Machine Operator **N. R. Wiggins** for allegedly "reporting yourself for ten hours pay when you left work at approximately **3:40 P.M.** that day when your regularly scheduled quitting time was **5:30 P.M.**" was without just and sufficient cause and on the basis of unproven charges (Carrier's File **013.31-263**).

(2) The claimant's record shall be cleared of the charge leveled against him and he shall be compensated for all wage loss suffered.

OPINION OF BOARD: This dispute arose after the Carrier found that the Claimant had improperly submitted time on his payroll report for hours in excess of what he actually **worked**.

To arrive at its finding of guilt, the Carrier primarily relied upon **testimony** of one of its officials who essentially stated that he could not find the Claimant about his work site on the date in question.

The Board finds that the Claimant's assertion that he was on the property until quitting time is not supported by the record. Under the circumstances, the Board finds no basis for disturbing the Carrier's decision.

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.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Nancy J. Dyer - Executive Secretary

Dated at Chicago, Illinois, this 15th day of March 1985.