



Award Number 17318

Docket Number SG-18048

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Robert C. McCandless, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

PENN CENTRAL COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Pennsylvania Railroad Company:

Appeal of L. R. Stetz, Maintainer C. & S., from the discipline of dismissal from service as shown on G-32 Form dated May 16, 1967 signed by R. P. Howall, Division Engineer, and the Superintendent of Personnel's letter of June 7, 1967. (Carrier's File: System Docket No. 592-Northern Division Case No. NN-42.)

OPINION OF BOARD: Claimant, twenty-seven (27) years in Carrier's employ, sustained an injury, which at first he claimed occurred on the property. Some two days later in the hospital, Claimant changed his original story, stating that the injury had actually been sustained at a friend's house.

Carrier charged, tried and dismissed Claimant for falsification of an injury report. Employees advanced this case before us on the basis that dismissal was an excessive discipline.

While this Board has held that discipline for serious offenses, such as making false statements or misrepresentations, is a matter which should be left to Carrier's discretion, we have also held that where the Board finds the discipline excessive and needlessly harsh, we can and will set it aside. In the instant case, Claimant made a false statement. We do not condone his lie, nor do we attempt to reward a subsequent correction of a falsehood. However, Claimant on his own rectified his wrong-doing, doing so before any formal investigation or other action of record was taken. "This is unquestionably a major offense . . . and cannot be condoned. To do so, would inevitably lead to nothing but chaos. Nevertheless, taking into consideration . . . the fact that the Claimant has, from all available evidence, been an exemplary employee with an unblemished record of eleven years service, we feel that dismissal was too severe a punishment. Loss of pay for these past two years is sufficient punishment." (Award 16352. See also Awards 16241, 16242, 16243 and 16554.).

Here, Claimant, an employee of Carrier for twenty seven (27) years, had no previous record of misconduct or other disciplinary action against him. Consequently, we hold that Claimant should be reinstated with seniority unimpaired, but without reimbursement for wages lost.

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 violated.

A W A R D

Claim sustained to the extent indicated in Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 24th day of July 1969.