

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)]7.

(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: G.W. Paulsen  
Executive Secretary

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