

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21798
Docket Number SG-21855

John P. Mead, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Consolidated Rail Corporation
((Former Penn Central Transportation Company)

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

System Docket 1181
Western Region - Fort Wayne Division

Appeal of discipline of dismissed /sic/ from service in
all capacities on behalf of Mr. L. G. Sweigard, Maintainer C&S at Fort
Wayne, Indiana.

OPINION OF BOARD: This dispute arose when the Carrier dismissed the
Claimant from its service following an
investigation into its charge that he had presented Carrier false meal
receipts in support of his claim for reimbursement of expenses incurred
in Carrier's service on April 8, 9 and 10, 1975. At the investigation
the Carrier made a showing and Claimant acknowledged that his meal
receipts indicated the expenditure of sums different from the meal
tickets, bearing the same serial numbers, from the restaurant's files.

Petitioner shows that Claimant attempted to explain the
discrepancies, but it could not be shown that Claimant presented any
corroborating evidence or testimony. Petitioner also questions the
competence of one of the Carrier's witnesses who was a member of a
police force.

Without passing judgment upon the competence of the police
officer or whether or not Claimant's explanation of the shown
discrepancies was truthful, we believe that, in the absence of support
for Claimant's statements and the presence of Carrier's evidence, the
Carrier had adequate reason to believe the Claimant guilty, and to
administer discipline in line with the gravity of this offense and
Claimant's past record.

Claimant had previously been found guilty of and disciplined for an act of dishonesty; hence, severe punishment was in order. However, we are of the opinion that suspension from service for a limited time rather than dismissal would have been the appropriate degree of discipline. We order that Claimant be forthwith reinstated in Carrier's service with all rights restored but without pay for time lost, and we point out that, with our decision in this dispute, Claimant cannot expect favorable consideration from this Board in any future case involving him in similar circumstances.

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;

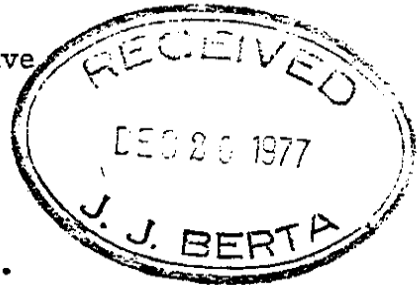
That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

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

That the discipline assessed was excessive.

A W A R D

Claim sustained per Opinion and Findings.



NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulsen
Executive Secretary

Dated at Chicago, Illinois, this 30th day of November 1977.