

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24641  
Docket Number CL-24916

Paul C. Carter, Referee

PARTIES TO DISPUTE: ( Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employees  
( The Washington Terminal Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9721) that:

(a) The Carrier violated the Rules Agreement, effective July 1, 1972, particularly Article 18, when it assessed discipline of dismissal on C. L. Harris, Station Cleaner, Washington, DC, on December 2, 1981.

(b) Claimant Harris' record be cleared of the charges brought against him on November 13, 1981 and he be compensated for wage loss sustained in accordance with the provisions of Article 18(e).

OPINION OF BOARD: Prior to the occurrence giving rise to the dispute herein, Claimant had been employed by the Carrier since June 20, 1980, as a station cleaner. On November 3, 1981, Claimant was instructed to appear for a hearing on November 17, 1981, on the charge:

"Violation of Washington Terminal General Rule 'N' which reads in pertinent part: ... 'falsifying reports ... while on duty or while on Company property is prohibited.' When on November 12, 1981, at the station, you signed and completed your time card to show eight (8) hours of time consumed (12:00 Midnight to 8:00 a.m.) although, you stopped working at 6:10 a.m., this same date."

A hearing was postponed and conducted on November 14, 1981. A copy of the transcript of the hearing has been made a part of the record.

In the investigation, or hearing, it was developed that Claimant's assigned hours were 12:00 Midnight to 8:00 A.M. It was also developed that on the date involved Claimant did not work the full eight hours, having stopped at 6:10 A.M., according to the Supervisor, and about "a quarter to six," according to the Claimant, although Claimant marked his time card as having finished at 8:00 A.M. In the investigation, in answer to the question "Why did you put 8:00 in the work finished column?" Claimant answered:

"Because I came to work on the 12th, was working until I was harrassed and humiliated by Mr. Riddle and felt that because I was humiliated and I suffered from that humiliation with internal strain that I deserved my eight hours."

From the investigation, or hearing, it is clear that Claimant did falsify his time card. If he felt that he was harrassed or mistreated by the Supervisor, he had ways of handling such complaint through the grievance procedure, but if such were the case it would not justify falsification of his time card.

During Claimant's short service of about sixteen months, his record was not satisfactory.

Based on the entire record, there is no proper basis for the Board to interfere with the discipline imposed by the Carrier.

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 Employes involved in this dispute are respectively Carrier and Employe 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. Dever - Executive Secretary

Dated at Chicago, Illinois this 30th day of January, 1984

