

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 42283
Docket No. MW-42701
16-3-NRAB-00003-140372**

The Third Division consisted of the regular members and in addition Referee Louis V. Imundo, Jr. when award was rendered.

**(Brotherhood of Maintenance of Way Employees Division -
(IBT Rail Conference
PARTIES TO DISPUTE: (
(BNSF Railway Company**

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The discipline (withheld from service and subsequent dismissal) imposed upon Mr. B. Thiers for alleged violation of MOWOR 1.6 Conduct in connection with charges of alleged dishonesty and falsification of Pay Code 55 receipts beginning on January 27, 2013 was arbitrary, capricious and in violation of the Agreement (System File S-P-1727-G/11-13-0251 BNR).**
- (2) As a consequence of the violation referred to in Part (1) above, Claimant B. Thiers shall now ‘. . . have his record cleared and reinstated back to his former position with all seniority intact. Mr. Thiers should also be made whole for all his losses including but not limited to wages and benefits without deduction of outside earnings.’”**

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

Distilled to its essence, the Carrier met its burden of proof and the discipline assessed was appropriate given the nature of the offenses. Accordingly, the claim must be denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 21st day of April 2016.