

PUBLIC LAW BOARD NO. 1582

PARTIES) ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY
TO)
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM: Claim that former Trackman D. T. West, Illinois Division, be reinstated to service with seniority, vacation, all benefit rights, and pay for all wage loss and/or otherwise made whole, account unjustly removed from service for falsification of his application for employment.

FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was discharged for falsifying his employment application.


The Board has examined the transcript of record, and the evidence leaves no doubt but that the claimant did, in fact, falsify his employment application. The Superintendent of the Illinois Division testified that had he known at the time of employment that claimant had been convicted of a crime prior to his employment, he would not have given his final approval.

The employment application itself contains a clause which states: "Any misrepresentation in this application is sufficient cause for discharge." The claimant signed that employment application, and falsification as stated above justifies cause for discharge. The Board has no authority to set the discharge aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member