

PUBLIC LAW BOARD NO. 1582

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

STATEMENT OF CLAIM: Claim in behalf of former Trackman Val V. Dean, Middle Division, that the Carrier "now reinstate Mr. Dean to service with seniority, vacation and all other benefits rights unimpaired and compensate him for net wage loss as a result of the Carrier unjustly removing him from service" on September 23, 1977.

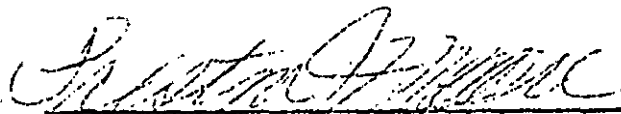
FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.


In this dispute claimant was discharged for falsifying his application for employment, wherein he checked "no" in the square concerning any disabilities or limitations. He also listed former employment by showing he worked for Tarrant Distributing Company from April of 1970 to November of 1976 when, in fact, he had worked for three different employers during that period of time and had suffered three back injuries and initiated claims in the Industrial Court for each of the injuries.

The Organization has filed a substantial brief supporting the position of the claimant, contending he was unaware of what disabilities or limitations meant, but it is only too apparent from the record that the claimant is well aware of what is meant by permanent disabilities and limitations, for he has had a great deal of experience with the Industrial Court and attorneys regarding injuries. The claimant did falsify his application for employment, obviously with the specific intent of not providing the Carrier with information which would be reason for refusing him employment.

Under these facts and circumstances there is no justification for overruling the decision of the Carrier and permanent discharge is certainly justified.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member

Dated November 27, 1978