

PUBLIC LAW BOARD NO. 2366

AWARD NO. 58

DOCKET NO. 72

ORGANIZATION FILE N-5-T-83

CARRIER FILE 1555

PARTIES TO DISPUTE:

Brotherhood of Maintenance  
of Way Employes

and

Illinois Central Gulf Railroad

STATEMENT OF CLAIM

- "(1) The ninety (90) day suspension assessed A. J. Menard for allegedly falsifying his time-roll for Monday, October 18, 1982 was without just and sufficient cause and on the basis of unproven and disproven charges.
- (2) Foreman A. J. Menard shall now be compensated for all wage loss suffered."

OPINION OF THE BOARD

The Claimant was notified of an investigation concerning an asserted attempt to falsify the timeroll.

Subsequent to the investigation, the Claimant was assessed a ninety (90) day disciplinary suspension.

On October 20, 1982, a Carrier official asked Claimant to show his timeroll for his gang. That document showed that the Claimant had worked three (3) hours overtime on Monday,

October 18, 1982, and two (2) hours of overtime on October 19, 1982.

However, the timerolls submitted by the Claimant for the payroll period showed no overtime on October 18 and three (3) hours for October 19.

The Claimant explained the discrepancy by asserting that the original timeroll contained a "mistake". The Carrier justifies the imposition of the ninety (90) day disciplinary suspension in this case on the assertion that falsification of timerolls is a very serious offense which can subject the guilty employee to dismissal from service. (See Second Division Award No. 6638.)

The Claimant asserts that he had a seven (7) years of unblemished service, and that he merely made an error on the payroll. When he realized it, he made out a new payroll sheet which was submitted to and paid by the Carrier. Thus, the Claimant asserts that there was no falsification with intent to defraud.

Under the record before us, we question whether the Claimant was totally innocent because he made certain statements as to what he had done during the overtime improperly shown on the first report. Thus, we feel that disciplinary action was warranted. However, on review of the entire record, we feel that a ninety (90) day disciplinary suspension was excessive, and we will approve only a forty-five (45) day suspension.

#### FINDINGS

The Board, upon consideration of the entire record and all of the evidence finds:

The Parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

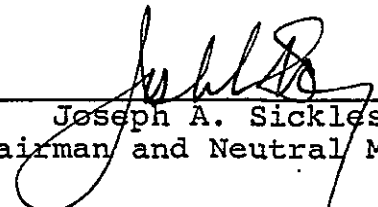
This Board has jurisdiction over the dispute involved herein.


The parties to said dispute were given due and proper notice of hearing thereon.


AWARD


1. The claim is sustained to the extent that any disciplinary suspension beyond forty-five (45) days is set aside.

2. The Carrier shall comply with this Award within thirty (30) days of the effective date.

  
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Joseph A. Sickles  
Chairman and Neutral Member

  
\_\_\_\_\_  
J. S. Gibbins  
Carrier Member

  
\_\_\_\_\_  
Hugh G. Harper  
Organization Member

  
\_\_\_\_\_  
1/23/84  
Date