

Award No. 30

Case No. 43

Docket No. MW 80-51

Parties	Brotherhood of Maintenance of Way Employees
to	and
Dispute	Southern Pacific Transportation Company (Texas and Louisiana Lines)
Statement of Claim	<p>1. Carrier violated the effective Agreement when Machine Operator C. L. Lucas was unjustly dismissed on January 16, 1980.</p> <p>2. Claimant Lucas shall be reinstated to his former position with pay for all time lost, vacation, insurance, seniority and all other rights unimpaired.</p>
Findings	<p>The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated July 19, 1979, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.</p> <p>Claimant, a Machine Operator, on the Houston Division, was dismissed from service under date of January 16, 1980 for falsification of time roll.</p> <p>The Board finds that Claimant was accorded the due process to which entitled under his rule.</p> <p>The Board concludes after analysis of the transcript, that Claimant is entitled to the benefit of doubt. Therefore, he shall be reinstated with all rights unimpaired but without pay and placed in a probationary status for</p>

one year period. He shall be restricted to an assignment whereby he will be working under someone's supervision.

Award            Claim disposed of as per findings.

Order            Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.

M. A. Christie  
M. A. Christie, Employee Member

C. B. Goyne  
C. B. Goyne, Carrier Member

Arthur T. Van Wart  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued at Wilmington, Delaware, April 16, 1981.