

Award No. 10

Case No. 11

Public Law Board No. 3514

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees

and

Consolidated Rail Corporation

STATEMENT
OF
CLAIM:

Claim by Trackman A. W. Bias for reinstatement and pay for all time lost.

FINDINGS:

At 7:05 a.m. November 17, 1982, an auto spiker operated by claimant derailed. Foreman Barnes testified that claimant jumped off the machine as it derailed, but was not thrown from it or injured. According to Barnes, claimant tried to induce him not to give a truthful statement to Carrier concerning that accident. Claimant reported no injury at the time of the incident.

Five hours later, at about 12:27 p.m., claimant told Assistant Supervisor Whittaker that he wanted to go to the doctor due to a pain in the back.

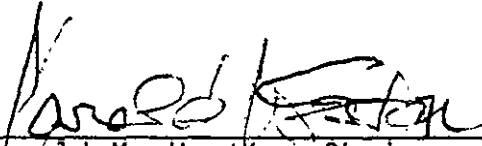

While we are not satisfied from Mr. Barnes' testimony that claimant actually attempted to "coerce" or bribe him, this record is sufficient to support Carrier's findings that claimant (1)

did falsely try to establish injuries that did not actually occur and (2) did attempt to persuade Barnes not to tell the truth. We find no ground for setting aside the discipline.

AWARD:

Claim denied.

Adopted at Philadelphia, Pa., July 12, 1984.


Harold M. Weston, Chairman
Carrier Member
Employee Member