

PUBLIC LAW BOARD NO. 3539

Award No. 19

Case No. 25

Carrier File No. 860131

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Union Pacific Railroad

Statement

(1) Carrier violated Agreement Rule 12 in dismissing Work Equipment Mechanic L. L. Ellis effective September 13, 1986.

(2) Claimant Ellis shall now be allowed eight (8) hours each workday, including any holidays and any overtime which would have accrued to him had he not been dismissed beginning July 29, 1986 to service with seniority, vacation and all other rights unimpaired.

The Board has jurisdiction of this case.

Claimant, as were several other employees, charged with submitting false lodging receipts for reimbursement by the Carrier.

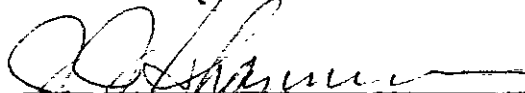
Following a formal investigation, he (and they) were dismissed from service as discipline therefor.


Procedural arguments notwithstanding and absent cause otherwise, Claimant is only entitled to be treated equally with the other such employees. This Board in its previous Awards found that there were circumstances that dictated such employees to return to service with all rights unimpaired but without any pay for time out of service and subject to return to service physical examinations. That conclusion is also reached here.

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.


S. Hammons, Jr., Employee Member


J. J. Shannon, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued May 4, 1988.