

Award No. 165
Case No. 166

PUBLIC LAW BOARD NO. 4244

**ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.
AND
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**

STATEMENT OF CLAIM: Carrier's decision to remove former Western Region Track Foreman R. R. Sikora from service , effective August 17, 1994, was unjust.

Accordingly, Carrier should be required to reinstate Claimant Sikora to service with his seniority rights unimpaired and compensate him for all wages lost from August 17, 1994.

FINDINGS: This Public Law Board No. 4244 (the "Board") finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended. Further, the Board has jurisdiction over the parties and the subject matter involved.

In this dispute former Western Region Track Foreman R. R. Sikora (the "Claimant") was notified to attend a formal investigation on July 8, 1994, concerning his alleged falsification of payroll/timekeeping on May 10, 11, 12, 13, and 19, 1994, unauthorized use of Corporate Lodging on May 11 and 12, and being absent without proper authority on May 12, 13, and 19, 1994, in possible violation of Rules 1.15 and 1.16 of the Carrier's General Code of Operating Rules, Rules 1007 and 1023 of the Carrier's Safety and General Rules for All Employees, and Maintenance of Way Bulletin No. 16, effective February 16, 1994. The investigation was postponed and held on July 22. As a result of the investigation, the Carrier determined that the Claimant violated Rule 1.15 of the Carrier's General Code of Operating Rules, Rules 1007 and 1023 of the Carrier's Safety and General Rules for All Employees, and Maintenance of Way Bulletin No. 16, effective February 16, 1994, and he was removed from service.

The record shows that the Claimant was scheduled to attend a rules class in San Bernardino, California on May 11 and 12, 1994. He checked into the Radisson Hotel on May 10, utilizing a Corporate Lodging card. The Claimant attended class on May 11, but was not present on May 12. He checked out of the hotel on May 13, 1994, but did not return to his regular assignment that day.

4244

Award No. 165


Page No. 2

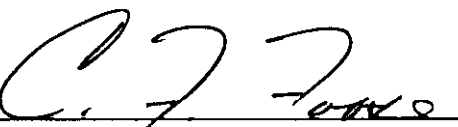
The record further shows that despite not attending class on May 12, 1994, or working his regular assignment on May 13, the Claimant submitted paperwork indicating that he worked on both dates. He further charged his lodging on May 13, to the Carrier. On May 19, 1994, the Claimant failed to report for work as assigned, yet he completed time sheets indicating that he worked that day. The evidence of record was established through Roadmaster L. A. Truitt's testimony.

The Claimant testified at the formal investigation. He admitted that he had prepared the time sheets, and he offered no credible explanation for his falsification of the documents.

The evidence and testimony of record clearly supports the Carrier's determination that the Claimant falsified his time sheets and that he was absent without authority on May 13 and 19. The Claimant's actions in this regard were serious offenses, and it is the Board's opinion that his removal from service was appropriate.

AWARD: Claim denied.


Alan J. Fisher
Chairman and Neutral Member


C. F. Foose
Organization Member


Lyle L. Pope
Carrier Member

Dated: August 4, 1995
Schaumburg, Illinois