

Award No. 502  
Case No. 502

PUBLIC LAW BOARD NO. 5383

BROTHERHOOD OF LOCOMOTIVE ENGINEERS	)	
	)	
vs.	)	Parties to Dispute
	)	
UNION PACIFIC RAILROAD COMPANY	)	

STATEMENT OF CLAIM:

Claim in behalf of Engineer R. R. Barber, Union Pacific Railroad former Chicago and North Western Transportation Company for compensation for all lost time including time spent at the investigation and that this incident be removed from Claimant's personal record when he was investigated on the following charge:

"Your responsibility in connection with your submitting a false time return and delay report for yourself and crew members for the services you performed on Train KAPRA on December 15, 1981."

FINDINGS

Upon the whole record and all the evidence, the Board finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that the Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

Claimant Engineer was found responsible for submitting a false time return and disciplined with thirty (30) days suspension.

The transcript of investigation indicates that Claimant showed his time off duty to be two (2) minutes later than that reported by a supervisory employee who watched the crew end its tour of duty.

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Initially, it appears to the Board that the Carrier used a sledge hammer to smash a gnat since only two (2) minutes were involved. Beyond this, however, there was testimony that instructions required crews to be tied up within five (5) minutes after units have stopped at the Diesel Ramp. Since Claimant took only two (2) minutes to register off, the charge against him was baseless. The discipline here will be set aside.

AWARD

Claim is allowed.

ORDER

The Carrier is ordered to make this Award effective within thirty (30) days from the date shown below.

B. D. Ince-Guthrie  
Employee Member

Al G. Gonzalez  
Carrier Member

W. Kelly  
Chairman and Neutral Member

Dated: Feb 20, 1958