

PUBLIC LAW BOARD NO. 1760

Award No. 36

Case No. 36

Docket No. MW-DEC-80-21

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Norfolk and Western Railway Company (Former Wabash Railroad)

Statement Claim on behalf of Mr. B. J. Brown account his dismissal from
of Claim: service as a result of investigation held on April 10, 1980.

Findings: 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 February 2, 1976, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant, as a result of improperly filing his expense account was notified on April 1st to attend a formal investigation:

"To determine your responsibility, if any, in connection with falsifying your expense account for month of February 1980, by claiming mileage and meals for days not worked."

As a result thereof, Claimant was found to be culpable and dismissed from service as discipline therefor.

The Board concludes that there was sufficient evidence adduced to support the conclusion reached by Carrier as to Claimant's culpability. The record reflects that Claimant claimed automobile mileage and lunch meal expenses on his expense account for February 6, 7, 13, 20, 25, and 28, 1980. He did not render any service on those six dates.

Honesty is a most necessary ingredient and is a keystone to the maintenance of the employee/employer relationship. As was noted in Second Division Award No. 697:

"A carrier, especially in this industry, must be able to rely upon the integrity and the honesty of its employees. Dishonesty in any form is a matter of serious concern, and if proven, subjects one guilty of dishonesty to the penalty of discharge..."

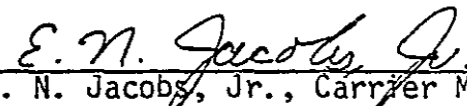
Second Division Award No. 7831 also noted:


"By whatever name such act may be labeled, it remains a dishonest act. Carrier, particularly as a common carrier, should not employ, keep, or be required to keep, in its employ a dishonest employee."

Here, we cannot find that Carrier had acted arbitrarily or capriciously in discharging Claimant. This claim will be denied.

Award: Claim denied.


M. A. Christie, Employee Member


E. N. Jacobs, Jr., Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Wilmington, Delaware, February 24, 1982.