

Award No. 3
Case No. 15

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employes
and
Louisville and Nashville Railroad Company

STATEMENT
OF
CLAIM:

1. The dismissal of Track Repairman C. M. Grundy was without just or sufficient cause and was extremely disproportionate to the offense with which charged.
2. Claimant Grundy shall be reinstated to service with seniority unimpaired and with pay for all time lost.

FINDINGS:

Claimant was dismissed from Carrier's service for making false statements during the investigation that was held into the incident described in our Award No. 1.

There is evidence in the record consisting of testimony by Roadmaster Sandefur, Assistant Division Engineer Permar and Assistant Inspector Chase that claimant had told them


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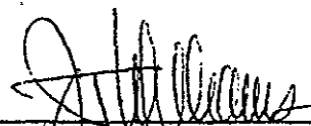
which of the lockers in the camp car belonged to several of the men under charges in Case No. 1 (Award 1). When claimant took the witness stand during the hearing considered in Award No. 1, he denied identifying the lockers of those men. This evidence is sufficient to support Carrier's findings that claimant made false statements during the investigation in Case No. 1. Though controverted by claimant, it is credible and substantial and we find no basis, on this record, for setting aside the discipline assessed by Carrier.

AWARD:

Claim denied.

Adopted at Louisville, Kentucky,
December 10, 1979.



Harold M. Weston, Chairman

Carrier Member

Employee Member