

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Seaboard System Railroad (L & N RR)

STATEMENT
OF
CLAIM:

The dismissal of Jack Ford was without just cause and he should be reinstated with seniority and other rights unimpaired and compensated for wage loss.

FINDINGS:

Claimant, a Section Gang Foreman, was dismissed for reporting time made by him on July 2, 1982, although he was absent from duty on that date.

It is undisputed that he completed a time report for his gang and himself that showed he had worked eight straight time hours on July 2. That he was in fact absent that day is equally clear. Ordinarily these facts could provide a valid basis for dismissal.

In the circumstances of the present case, however, we are not satisfied that claimant intended to deceive Carrier or was dishonest. After all, he had notified Yardmaster Cole that he would be absent on July 2.

In view of claimant's serious error, we cannot

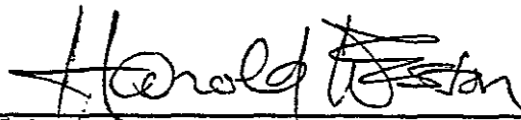
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validly set aside Carrier's decision to impose substantial discipline in this situation. Carrier must be able to rely on the integrity of time reports particularly for crews that work alone.

We will, however, direct Carrier to reinstate claimant immediately with seniority rights unimpaired.

AWARD: Claimant reinstated with seniority rights unimpaired but without back pay.

Adopted at Jacksonville, Florida, *November 6,* 1984.



Harold M. Weston, Chairman



Carrier Member



Employee Member