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On July 23, 1985, Claimant had an on the job related accident which was reported. He had also reported an accident on July 11, 1985. As a result of these accidents Carrier investigated Claimant's earlier history including his medical history. Following that investigation, Carrier charged Claimant with knowingly falsifying his application. Following investigation he was dismissed for this infraction by letter dated May 5, 1985.

The investigation produced evidence that in response to question No. 7 which specifically asks whether the applicant had had an injury previously or had been represented by attorney in previous claims, Claimant responded "N/A." Claimant also failed to show his last employer in 1984 and the fact that an injury occurred while he was in the employ of that company. In fact, an injury occurred approximately one month prior to his application with this employer, and that injury resulted in a Workman's Compensation claim for which Claimant had retained an attorney.


It is apparent from the record that Claimant knowingly failed to respond honestly to the questions propounded in the employment application and Carrier was correct in its determination that he was guilty of the charges. The claim must be denied.

AWARD

Claim denied.



T. M. Lieberman. Neutral-Chairman

H. L. Moles.
Carrier MemberC. F. Foose,
Employee Member

San Francisco, California

~~May~~, 1988

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