

PUBLIC LAW BOARD NO. 3460

Award No. 16
Case No. 16

PARTIES
TO
DISPUTE

Burlington Northern Railroad Company
and
Brotherhood of Maintenance of Way Employees.

STATEMENT
OF CLAIM

"Claim of the System Committee of the Brotherhood that:

- (1) The dismissal of Relief Section Foreman (Section Laborer), T. K. Frazer, June 27, 1980, was without just and sufficient cause and wholly disproportionate to the alleged offense.
- (2) Claimant T. K. Frazer now be compensated for all lost time and reinstated with all seniority and other rights unimpaired."

FINDINGS

Upon the whole record, after hearing, the Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted under Public Law 89-456 and has jurisdiction of the parties and the subject matter.

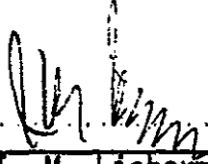
Claimant herein, a Section Laborer, also worked part time as a Relief Foreman. The dispute herein involves some periods of time in which he acted as a Relief Foreman. The facts, which are not in dispute, indicate that while working as a Relief Foreman, claimant signed and submitted a time roll which showed that he had worked for eight hours on May 27, 1984, while, in fact, he had only worked five hours. Also, he had signed a time roll indicating that another Section Laborer under his supervision was working eight hours, when he had only worked four hours on May 30, 1980. These occurrences were excused by claimant as honest mistakes. This rationale was rejected by the Carrier. Carrier took the position that claimant was fully aware of the circumstances and methods used preparing time rolls and that his error cannot be attributed to ignorance. Petitioner, on the other hand, indicates that, since claimant was only a part-time, occasional supervisor, some

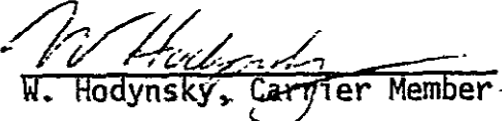
tolerance should be accorded him with respect to this honest mistake.

Carrier relies in part on the reasoning contained in Award No. 14 of Public Law Board No. 2206, as well as the reasoning expressed in Award No. 70 of that Board. As in those cases, in this instance Carrier believes, and the Board concurs, that the occurrence is one involving significant dishonesty which cannot be tolerated. Since the evidence clearly demonstrates that claimant was guilty of the charges and the discipline, in view of the nature of the offense, cannot be considered to be discriminatory or excessive. The claim must be denied.

AWARD

Claim denied.


I. M. Lieberman, Neutral-Chairman


W. Hodynsky, Carrier Member


F. H. Funk, Employer Member

March 29, 1985