

Award No. 15  
Case No. 22

Public Law Board No. 3514

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employees  
and  
Consolidated Rail Corporation

STATEMENT  
OF  
CLAIM:

Claim in behalf of R. V. Ferguson for reinstatement and all loss of pay resulting from his dismissal on November 14, 1979.

FINDINGS:

The evidence supports Carrier's findings that claimant falsified his application for employment dated September 6, 1972 by replying in the negative to the question:

"Have you ever been arrested?"

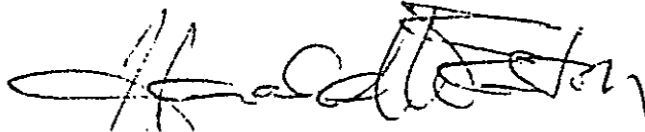
The record shows that claimant had been arrested and convicted for serious crimes in 1941, 1943, 1949 and 1952. There is no question but that he replied falsely to a material question in the employment application of September 6, 1972.

There is no evidence that claimant has acted improperly since 1972. His seven-year record of employment with Carrier is unblemished and there is no indication that he will not continue to be a satisfactory employe and member of society.

AWARD:

Claimant to be reinstated with seniority rights  
unimpaired but without back pay. To be effective  
within 30 days.

Adopted at Philadelphia, Pa., October 4, 1984.



Harold M. Weston, Chairman



Carrier Member



Employee Member