

PUBLIC LAW BOARD NO. 3539

Award No. 17

Case No. 23

Carrier File No. 860076

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Union Pacific Railroad

Statement

of Claim: (1) Carrier violated the effective Agreement especially Rule 12 in dismissing Trackman D. G. Quarles, in that dismissal is an excessive and harsh penalty.

(2) Claimant Quarles shall now be allowed eight (8) hours each work day, including any holidays and any overtime which would have accrued to him beginning August 22, 1986, and continuing until reinstated to service with seniority, pass and vacation rights unimpaired.

The Board has jurisdiction of this case.

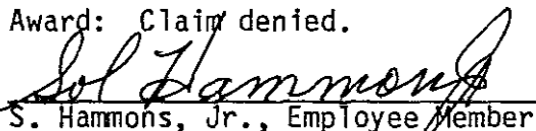
Claimant, on October 6, 1986, was the Trackman on the Texas District tie gang with less than three years service. He was advised, under date of August 22, 1986, that he was being withheld from service following an investigation for cashing two (2) pay checks for the same service performed. As a result of the formal investigation held, Claimant was dismissed from service on October 6, 1986 as discipline therefor.

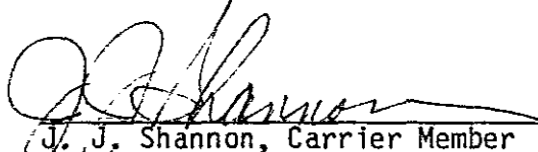
Claimant had reported his first half June 1986 pay check as being lost. A duplicate pay check was issued. Carrier discovered, on or about August 22, 1986, that Claimant had cashed both paychecks.

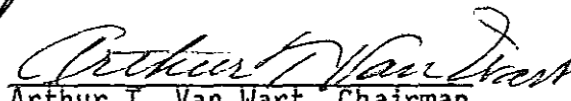
Claimant's admissions, on page 3 of the transcript, are tantamount to a plea of guilt. Consequently, there is nothing further for the Board to review. The record supports Carrier's conclusions.

Dismissal for dishonesty is not unreasonable discipline.

Award: Claim denied.


S. Hammons, Jr., Employee Member


J. J. Shannon, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member