

PUBLIC LAW BOARD NO. 3542

Parties  
to the  
Dispute

Pennsylvania Federation Brotherhood of  
Maintenance of Way Employees

vs.

Consolidated Rail Corporation

Case No. 4

Award No. 4

STATEMENT OF CLAIM

(a) That Arthur M. Hartsfield, Trackman, Head of Yard, Canton, Baltimore, Maryland, be restored to service with all seniority rights and all other privileges provided for by either agreement or past practice. That he be compensated for all lost time until such time as he is returned to the service of the railroad.

(b) That Arthur M. Hartsfield's record be cleared of all charges brought against him.

OPINION OF THE BOARD

Claimant A. M. Hartsfield was charged on January 11, 1982 as follows:

Fraud, in that after you cashed a Conrail Check No 037240 in the amount of \$1850.00 representing settlement of a claim for an injury occurring on October 26, 1981, which you received from Harrisburg Claim Agent B. D. Nardis on November 10, 1981, you cashed a Conrail Check No. 034653 in the amount of \$1800.00 representing settlement for the same October 26, 1981 injury and a second minor

-2-

accident occurring on December 2, 1981, from Baltimore  
Claim Agent W. J. Lukaszuk on December 17, 1981.

A hearing was scheduled in the matter on February 3, 1982.  
Claimant was not in attendance. At the conclusion of the hearing,  
Claimant was found guilty as charged and dismissed from Carrier's  
service. The transcript of that hearing has been made a part of  
the record of this case. This Board has carefully reviewed the  
total record and must conclude that Claimant is guilty as charged  
and that his dismissal from Carrier's service is justified. This  
Board can find no basis on which to modify the penalty imposed in  
this instance.

AWARD

The claim is denied.

R. E. Dennis 9/20/84  
R. E. Dennis, Neutral Member

J. Dodd  
J. Dodd, Employee Member

R. O'Neill  
R. O'Neill, Carrier Member