

Award No. 43
Case No. 44

PUBLIC LAW BOARD NO. 4244

PARTIES) ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY
TO) AND
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM: Carrier's decision to remove Arizona Division Machine Operator P. M. Duffy from service was unjust.

Accordingly, Carrier should be required to reinstate Claimant Duffy to service with his seniority rights unimpaired and compensate him for all wages lost from July 6, 1988.

FINDINGS: This Public Law Board No. 4244 (the "Board") finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended. Further, the Board has jurisdiction over the parties and the subject matter involved.

In this dispute former Arizona Division Machine Operator P. M. Duffy (the "Claimant") was notified to attend a formal investigation on July 5, 1988 concerning his alleged violation of Rules A, B, D, 607 and 621 of the Carrier's Rules Maintenance of Way and Structures, when he allegedly charged expenses not incurred on April 22, 1988 and falsified Santa Fe Form 1665 Std. when he claimed reimbursement of such travel expenses. Pursuant to the investigation the Carrier determined that the Claimant violated the cited rules, and he was removed from service.

The evidence of record showed that during the week of April 18-22, 1988 the Claimant was working at or near Kingman, Arizona. While working in Kingman, he stayed at the Pony Soldier Motel. When the Claimant submitted his travel expenses for this period he claimed lodging from Monday, April 18, through Friday, April 22, at the rate of \$28.08 per night for \$140.40. The Claimant submitted a receipt from the Pony Soldier Motel for this amount in support of his claimed expenses.

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Roadmaster R. L. Hanno testified at the investigation that the Arizona Division Office requested that he investigate a letter dated May 26, 1988 from Eugene Kramer, owner of the Pony Soldier Motel. In his letter Kramer informed the Carrier that the Claimant on April 21, 1988, requested a receipt for \$140.40, five days lodging, but in fact had stayed only four nights at the motel, April 18-21. Moreover, the Claimant never paid the motel bill. Hanno further testified that in a personal meeting with Kramer, Kramer confirmed the charges set forth in his letter.

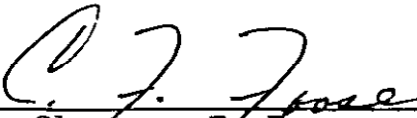
The transcript of record further showed that the Claimant admitted that the facts presented at the formal investigation were correct.

It is clear from the record that the Claimant was guilty of the rules violation. The Claimant falsified his claim for expenses which is a dismissable offense. The Carrier has every right to demand honesty from its employees. In view of the nature of the Claimant's offense it is the Board's opinion that the discipline assessed the Claimant was appropriate.

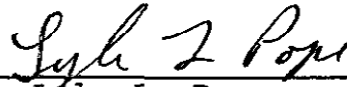
Award: Claim denied.



Alan J. Fisher, Chairman
and Neutral Member



Clarence F. Foose
Organization Member



Lyle L. Pope
Carrier Member

Dated: October 20, 1989
Chicago, Illinois