

PUBLIC LAW BOARD NO. 5418

Case No. 56

Award No. 56

PARTIES

to

DISPUTE:

Brotherhood of Maintenance of Way Employees

-and-

Springfield Terminal Railway Company

STATEMENT OF CLAIM:

Appeal of the discipline of dismissal imposed
on Steven Cecere, effective April 8, 2004.

FINDINGS: On March 24, 2004, the claimant was given a notice charging him with the following offense:

"Violation of Rules GR-N and GR-1.

Specifically, on Sunday, March 14, 2004, you absented yourself from duty without permission. When questioned about this, you were dishonest, providing incorrect or deliberately false information. During the pay period ending 3/20/04, you entered incorrect information on Monday, March 15th, and Thursday, March 18, 2004, and/or falsified your time slip."

The Carrier asserts the claimant acted in a dishonest manner when he absented himself without permission, and submitted false time sheets that misrepresented the time he actually worked.

During the claimant's hearing, Carrier witness, R. C. Musgrave undisputedly testified that the claimant was not given permission to leave work early on the dates in question, nor was he ever granted authority to make up hours that he should have worked during his regular tour of duty. He also stated the claimant could not show that he actually performed service during the hours he allegedly claimed.

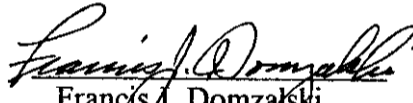
In his defense, the claimant testified that he was under the impression that he could go to work early to service the equipment before they began running, and that he could go home when

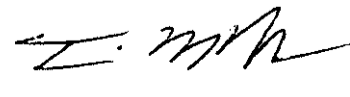
his work was done. Albeit, the claimant admits that he should have contacted someone when he left work early, he steadfastly denies that he intentionally stole time from the Carrier.

After a thorough review of the record, we find the claimant's testimony to be self-serving, contradictory and specious at best. There is absolutely no evidence in the record to support any of his contentions. Clearly, the claimant cannot do as he pleases; he has an obligation to the Carrier to protect all of the hours of his assignment. Suffice to say that the submission of erroneous time slips cannot be condoned.

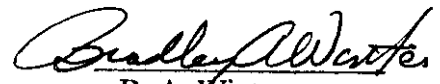
Based on the record, we find the weight of evidence conclusively shows the claimant was deceptive and acted in a dishonest manner, and is guilty of the offense for which he was charged. Therefore, in consideration of the seriousness of the proven offense, we will not disturb the Carrier's disposition in this case.

AWARD: The claim is denied.


Francis J. Domzalski
Neutral Member



T. W. McNulty
Carrier Member



B. A. Winter
Organization Member

Dated: 7-26-04