

PUBLIC LAW BOARD NO. 5850

Award No. 187
Case No. 187

PARTIES TO DISPUTE:

(Brotherhood of Maintenance of Way Employees

**(The Burlington Northern Santa Fe Railroad (Former
(ATSF Railway Company)**

STATEMENT OF CLAIM:

- 1. The Carrier violated the Agreement when on November 16, 2000, Mr. M. R. Worster was issued a Level-S, 30-day actual suspension for violation of Maintenance of Way Operating Rule 1.6 in connection with his alleged failure to provide factual information and dishonesty in connection with per diem payments claimed in the PATS Timekeeping System covering the period June 1, 2000 through September 8, 2000, while assigned as Grinder working at Sidney, Nebraska and headquartered at Sterling, Colorado.**
- 2. As a consequence of the Carrier's violation referred to above Mr. Worster shall be compensated for all wages lost and the discipline shall be removed from his personal record in accordance with the Agreement.**

FINDINGS

Upon the whole record and all the evidence, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended. Further, the Board is duly constituted by Agreement, has jurisdiction of the Parties and of the subject matter, and the Parties to this dispute were given due notice of the hearing thereon.

Claimant in this case was identified in Case No. 186 as the grinder wherein he testified in behalf of the Welder. In this case, the Welder testified as Claimant's witness. In all other respects, both cases followed the same pattern.

What has been said in Case No. 186 is incorporated in its entirety in this case.


AWARD

Claim sustained in accordance with the Findings.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the award effective on or before 30 days following the date the award is adopted.


Robert L. Hicks, Chairman & Neutral Member


Rick B. Wehrli, Labor Member


Thomas M. Rohling, Carrier Member

Dated: December 27, 2001