

AWARD NO. 1
CASE NO. 1

PUBLIC LAW BOARD NO. 5943

PARTIES) **BROTHERHOOD OF LOCOMOTIVE ENGINEERS**
TO)
DISPUTE) **UNION PACIFIC RAILROAD COMPANY**

STATEMENT OF CLAIM

Claim on behalf of Engineer Trainee R. Rojas for reinstatement to service due to his dismissal as the result of an investigation on December 21, 1994 for dishonesty

OPINION OF BOARD

Claimant, an Engineer Trainee, was dismissed for submitting a time slip claiming pay and for using the Carrier's lodging on a day he was not working.

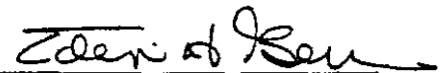
Under the particular circumstances of this case, substantial evidence supports the Carrier's determination to impose discipline. However, given Claimant's length of other service for the Carrier and the circumstances which do not fully support a finding of an intent to defraud, we find dismissal to be excessive.

Claimant shall be reinstated without compensation for time lost. Claimant shall restart the Engineer Trainee program at the new trainee rate. However, upon Claimant's

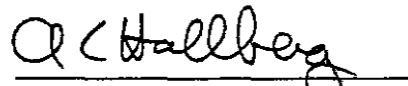
successful completion of the program, Claimant's relevant service dates for training purposes shall be in accord with his prior training dates.

AWARD

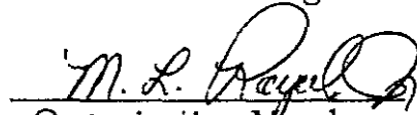
Claim sustained in accord with the opinion.



Edwin H. Benn
Neutral Member



Carrier Member
A. C. Hallberg



Organization Member
M. L. Royal, Jr.

Fort Worth, Texas

Dated: 6/25/97