

NATIONAL MEDIATION BOARD
Special Board of Adjustment No. 1048

JOHN C. FLETCHER, CHAIRMAN & NEUTRAL MEMBER
R. A. LAU, ORGANIZATION MEMBER
E. N. JACOBS, JR., CARRIER MEMBER

BROTHERHOOD OF MAINTENANCE OF
WAY EMPLOYEES

and

NORFOLK WESTERN RAILWAY COMPANY

Award No. 47

Hearing Date - January 27, 1994
Date of Decision - February 10, 1994

Statement of Claim:

Claim on behalf of L. A. McGlone requesting that he be reinstated to service and paid for time lost, as a result of formal investigation held on May 14, 1993, in concoction with his preparing payroll documents which contained time fraudulently submitted for payment on behalf of an employee who was off from work during the time covered by the payroll documents.

[Carrier File: MW-FTW-93-26]

FINDINGS:

Special Board Adjustment No. 1048, upon the whole record and all of the evidence, finds and holds that the Employee(s) and Carrier(s) are employee and carrier within the meaning of the Railway Labor Act, as amended, and that the Board has jurisdiction over the dispute(s) herein and that the parties to the dispute(s) were given due notice of the hearing thereon and did participate therein.

AWARD

After thoroughly reviewing and considering the transcript and the parties presentations, the Board finds that the claim should be disposed of as follows:

The investigation adequately established that Claimant was guilty of the charges placed against him. Further, at the hearing before the Board, at which Claimant appeared, he acknowledged his guilt. And while the discipline assessed may seem severe in the circumstances of the occurrence, Claimant's service record does not warrant modification. Accordingly, the discipline assessed will not be modified.


John C. Fletcher, Chairman & Neutral Member


R. A. Lau, Organization Member


E. N. Jacobs, Jr., Carrier Member

Issued at Mt. Prospect, Illinois, February 10, 1994

This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case