

Case No.: 222
AWARD NO.: 222

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT
OF CLAIM:

"(1) Carrier violated the agreement on March 27, 1984, when Track Foreman C. A. Mayberry and Machine Operators C. Anderson and T. L. Absher, Chester, Illinois, were dismissed from service for being absent from their assignments on March 1, 2, 5, 7 and 8, 1984, and for falsifying their timeroll.

"(2) Claimants shall now be returned to service with all rights unimpaired and paid for all time lost beginning March 27, 1984."

FINDINGS: Evidence adduced at the investigation supported the charges that Claimants absented themselves from their assignments without proper authority.

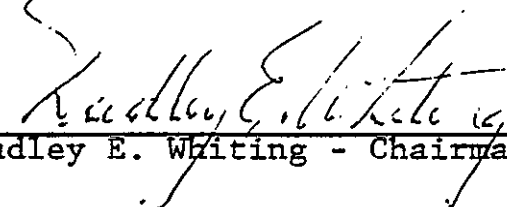
It does not appear that they used Form 24131 to report their time worked, so the charges of falsification of such form was not established.

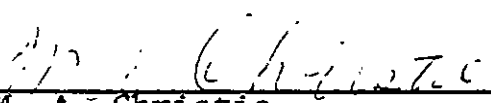
Claimants testified that they paid the amounts claimed as expenses and the evidence to the contrary was hearsay, so the charges of false claims were not sustained.


Under the circumstances we are constrained to award reinstatement without pay for time lost.

AWARD: Claim sustained to the extent stated in the Findings.

SPECIAL BOARD OF ADJUSTMENT NO. 279


Dudley E. Whiting - Chairman


M. A. Christie
Employee Member


J. J. Shannon
Carrier Member

September 27, 1985

File: 247-6751