

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 106

Docket No. 78

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
"in favor of Mr. Lupe Gomez, for all lost wages and his record
cleared, as the result of the 60 day suspension being assessed
following an investigation held on April 18, 1983."

FINDINGS:

This Board, upon the whole record and all the evidence, finds and holds that the employees and the Carrier involved are respectively employees and Carrier within the meaning of the Railway Labor Act as amended and that the Board has jurisdiction over the dispute herein.

On April 7, 1983, Claimant was directed to attend a formal investigation of the charge:

Your responsibility in connection with the apparent falsification of the March 4, 1980 Monthly Guarantee Claim for the month of February 1983.

After a postponement, the investigation was held on April 18, 1983, and a copy of the transcript has been made a part of the record. We find that the investigation was conducted in a fair and impartial manner.

This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of the offense with which he was charged.

Once this Board has determined that a claimant was properly found guilty, we next turn our attention to the type of discipline imposed. Normally, this Board will not set aside a carrier's imposition of discipline unless we find that the carrier's action was unreasonable,

arbitrary, or capricious.

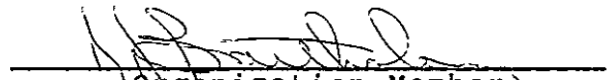
Falsification of company forms often leads to discharge. Hence, we can find nothing unreasonable about the penalty imposed here.

Award:

Claim denied.


Neutral Member


Carrier Member


Organization Member

Date: April 13, 1988