

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 47
Docket No. 60

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 that:

- (1) The dismissal of Ruben Morales for alleged falsification of a work report was without just and sufficient cause and excessive. (Organization File 9D-4402; Carrier File 81-84-125-D).
- (2) Claimant Ruben Morales shall be allowed the remedy prescribed in Rule 19(d)."

FINDINGS:

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

Claimant, with about four years of service, was employed by the Carrier as a Track Foreman. On December 28, 1983, claimant was instructed by the Roadmaster to report with his section crew to a location designated as M19-A at 3:00 A.M., the following morning to clean snow out of switches. On December 29 the Roadmaster attempted to call claimant about 3:05 A.M., but claimant was not at work yet. At approximately 4:00 A.M. the Roadmaster saw the claimant and the claimant informed the Roadmaster that he had been a little late that morning. Claimant submitted a time report for himself and gang showing that he had reported at 3:00 A.M. When the Roadmaster saw the work report he called the claimant about it and claimant acknowledged that he had actually reported to work about 3:25 A.M. on December 29.

On December 30, 1983, claimant was instructed to report for formal investigation scheduled for 2:00 P.M., January 5, 1984, on the charge:

"To determine your responsibility in connection with falsification of your work report on December 29, 1983."

A copy of the transcript of the investigation has been made a part of the record. There was substantial evidence in the investigation, including claimant's statement, that claimant reported some twenty or twenty-five minutes late the morning of December 29, 1983, and that he submitted a work report showing that he reported at 3:00 A.M. The claimant contended that he simply made an honest mistake in his time report; that he had attempted to contact the Roadmaster while on his way to work but was unable to do so. He also contended that he attempted to correct the time report but was unable to do so.

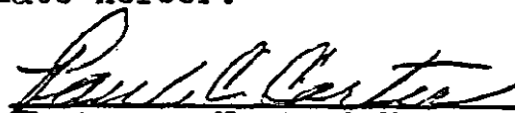
Where employes report their own time a matter of trust is involved and, as stated in Third Division Award No. 24295, all possible care should be used in seeing that the time is properly recorded. However, we consider the facts in the present case as distinguishable from the facts involved in Award No. 24295. In the present case the amount of time involved was minimal, but, in principle, it was serious. We are not convinced that the offense herein warranted permanent dismissal of claimant from service. We will award that claimant be restored to service with seniority and other rights unimpaired, but without any compensation for time lost while out of service. Claimant should understand that the purpose of the award is give him one last chance to become a satisfactory and valued employe, and that further major infractions on his part will receive short shrift.

A W A R D

Claim sustained to the extent indicated in Findings.

ORDER

The Carrier is directed to comply with this Award within thirty days from the date hereof.


Chairman, Neutral Member


Carrier Member


Labor Member

Dated: May 29, 1985