

NATIONAL RAILROAD ADJUSTMENT BOARD
FIRST DIVISION

Form 1

Award No. 24277
Docket No. 43914
93-1-93-1-S-6570

The First Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Locomotive Engineers
(
(Southern Pacific Transportation Company
((Western Lines)

STATEMENT OF CLAIM:

"Claim of Los Angeles District Engineer J. S. Sosnowski for reinstatement to the service of the Company with full seniority and all other employment rights restored, and that he be compensated for all time lost from the date he was removed from service on January 7, 1991, until he is returned to duty."

FINDINGS:

The First Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

By letter dated February 6, 1991, the Claimant was requested to appear at an Investigation to develop the facts and to place responsibility, if any, in connection with his allegedly dishonest submission of fraudulent Time Returns in excess of \$30,000.00 during the calendar year 1990.

The evidence properly advanced to this Board (which includes the Claimant's testimony at the Investigation wherein he admitted that he had submitted fraudulent Time Returns) shows that the Claimant was guilty as charged by the Carrier. While the hearing transcript and the correspondence exchanged by the Parties subsequent to the hearing held on this matter indicate that certain personal matters may have prompted the Claimant's illegal activi-

ties, the Board has no basis to disturb the discipline assessed by the Carrier. Numerous Awards have upheld the dismissal of employees for dishonesty. There has been no showing that the Claimant has been denied Agreement due process or that he had been treated in an unreasonable or discriminatory manner. Therefore, the Board has no alternative but to deny the claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of First Division

Attest: Catherine Loughrin
Catherine Loughrin Interim Secretary to the Board

Dated at Chicago, Illinois, this 20th day of December 1993.