

Org. File: 5-F-38
Carrier File: 1-00243

Case No. 2
Award No. 2

PUBLIC BOARD NO. 5721

PARTIES

Soo Line Railroad Company

TO

and

DISPUTE:

Brotherhood of Locomotive Engineers

STATEMENT OF CLAIM: "Request on behalf of Engineer J. J. Jones for payment for all lost time and that his record be cleansed for any reference in connection with his ten-day actual suspension for alleged violation of Rule 607 of the General Code of Operating Rules concerning the alleged falsification of his time slip on August 18, 1993."

STATEMENT OF FACTS: On August 20, 1995, the Carrier directed the following letter to the Claimant:

"Please arrange to appear for formal investigation/hearing to be held in the office of the Division Manager, 1997 Sloan Place, Suite 17, St. Paul, Minnesota at 1000 hours, Monday, August 23, 1993.

"The purpose of this investigation/hearing is to determine the facts and circumstances and to place your responsibility, if any, in connection with your alleged falsification of time slip on Wednesday, August 18, 1993 while employed on the 0700 hours House Job.

"You may be represented in this investigation/hearing as is provided in your schedule rules and agreements. Any reasonable request for postponement must be made a sufficient time prior to the date of this investigation."

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

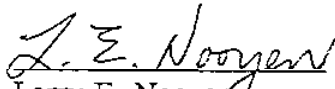
OPINION OF THE BOARD: The discipline must be overturned. The evidence shows that the Conductor filled out the time slip in question. Moreover, there is no evidence that the Claimant was aware how the Conductor filled out the slip. He is without guilt.

AWARD

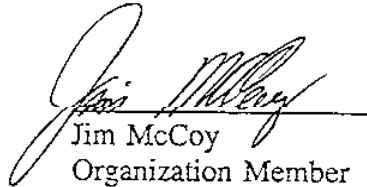
The claim is sustained.



Gil Vernon, Chairman and
Neutral Member



Larry E. Nooyen
Carrier Member



Jim McCoy
Organization Member

Dated this 15th day of October, 1997.