

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
FIRST DIVISION**

Award No. 26830  
Docket No. 46608  
09-1-NRAB-00001-070045  
07-1-45

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

**PARTIES TO DISPUTE:** ( **United Transportation Union**  
( **BNSF Railway Company**)

**STATEMENT OF CLAIM:**

“Organization File# DISP TRANGSRUD 3/12/2005  
Carrier File# 53-05-0458D

Claim in behalf of Minot, ND Conductor C. A. Trangsrud for immediate return to service, all time lost including attending investigation, and complete record clearance of the entire incident account dismissed from service on April 15, 2005, for alleged violation of GCOR Rule 1.6 (alleged dishonesty by not providing factual off-duty information when you falsified and recorded a FRA Hours of Service off-duty time of 0600 hours, at approximately 0050 hours, on March 12, 2005, at Dilworth, MN, and your alleged dishonesty to company officers regarding your reason for recording improper tie up information).”

**FINDINGS:**

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 were given due notice of hearing thereon.

As a result of an Investigation held on April 5, 2005 the Carrier found the Claimant violated Rule 1.6 on March 12, 2005. On April 15, 2005 the Carrier dismissed that the Claimant from its service.

On March 11, 2005 the Claimant went to work at 7:00 P.M. on Train Z-PTLCHC1-10A at Minot, North Dakota. The Claimant arrived at Dilworth, Minnesota, at 12:50 A.M. on March 12. The Claimant's time claim indicates that time. However, the Claimant reported his off duty time as 6:00 AM.

Later on March 12 the Crew Officer notified the Trainmaster of the disparity in times. The Claimant said he marked off long so he would have time to see his grandfather, who allegedly was in the hospital, but no proof was given by the Claimant to verify the assertion.

The Carrier met its burden of proving that the Claimant violated its Rules. The Claimant falsely reported his off-duty time which affects his time off-duty under the Hours of Service Act. There is no reason to alter the Carrier's actions in this case.

**AWARD**

Claim denied.

**ORDER**

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

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**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**By Order of First Division**

**Dated at Chicago, Illinois, this 2nd day of April 2009.**