

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 8202
Docket No. 7833
2-CR-MA-'79

The Second Division consisted of the regular members and in addition Referee James F. Searce when award was rendered.

Parties to Dispute: { International Association of Machinists
and Aerospace Workers
{ Consolidated Rail Corporation

Dispute: Claim of Employes:

1. That the Consolidated Rail Corporation be ordered to restore Machinist Ferdinand Becker to service and compensate him for all pay lost up to time of restoration to service at the prevailing Machinists' rate of pay.
2. That Machinist Ferdinand Becker be compensated for all insurance benefits, vacation benefits, holiday benefits, and any other benefits that may have accrued and was lost during this period, in accordance with Rule J-1(e) of the prevailing Agreement which was effective April 1, 1976.

Findings:

The Second 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.

A review of the record of this case raises no serious question but that the Claimant had an alcoholic beverage in his possession, on Carrier property, during working hours and that he was in the process of consuming such beverage. Even if it could be assumed that the Claimant, as a relatively new employe, was not aware of the Rule prohibiting such possession and consumption, reasonable judgment dictates against such action. Notwithstanding the Organization's claim to that effect, we find no particular error in the Carrier's investigation and hearing in this matter.

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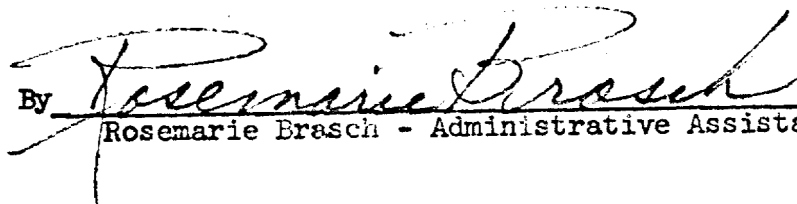
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A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 12th day of December 1979.