

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 7056
Docket No. 6938
2-SP-MA-'76

The Second Division consisted of the regular members and in addition Referee David P. Twomey when award was rendered.

Parties to Dispute: (International Association of Machinists and
(Aerospace Workers, A. F. of L. - C. I. O.
(District No. 19
(
(Southern Pacific Transportation Company

Dispute: Claim of Employees:

1. That under the current Agreement, Machinist P. W. Carletti (hereinafter referred to as Claimant) was unjustly dismissed from the Carrier's service on June 24, 1974.
2. That, accordingly, the Carrier be ordered to restore Claimant to service with seniority and service rights unimpaired, including insurance benefits, and with compensation for all wage loss from date of dismissal to date of restoration to service.

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.

The Claimant, Mr. P. W. Carletti, was charged with responsibility for being under the influence of intoxicants while on Carrier property at approximately 10:50 P.M. on June 3, 1974 in violation of Rule G. A formal hearing was held on June 18, 1974. The Claimant appeared at this hearing and was very ably represented by the Local Chairman and Committeeman. After the hearing, the Claimant was dismissed from the service of the Carrier on June 24, 1974.

We have studied the entirety of the record before us and conclude that the Claimant was given a fair hearing and was guilty as charged. We find, however, that the discipline of dismissal under the narrow, narrow circumstances of the specific record before us is excessive. Thus we shall reinstate the Claimant without back pay but with all other rights unimpaired: claim for insurance benefits is denied as per a long line of awards. The Claimant should

realize that this most certainly is the final opportunity he will have to stay in the service of the Carrier; and he should do all in his power to avoid any circumstances that might lead to his irrevocable dismissal, including seeking professional evaluation and counsel concerning the use of intoxicants.

A W A R D

Claim sustained in part, as per Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of May, 1976.