

The Second Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

Parties to Dispute: ( System Federation No. 106, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
( The Washington Terminal Company

Dispute: Claim of Employees:

1. That under the current agreement, Carman Apprentice, Alfred D. Burnett, was unjustly dealt with when he was suspended from the service on April 8, 1975 and subsequently dismissed from the service of the Washington Terminal Company effective April 25, 1975.
2. That accordingly The Washington Terminal Company be ordered to return Carman Apprentice, Alfred D. Burnett, to the service of the Carrier with seniority and vacation rights unimpaired and compensate him for all time lost since April 8, 1975.

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.

Claimant was notified to report for a Hearing on a charge of violating Rule "G" concerning possession and use of narcotics while on duty.

Subsequent to the Hearing, Claimant was dismissed from service.

Although Claimant denies a violation, the record contains direct eye-witness evidence that he was smoking a substance which was chemically determined to be marijuana. There is no motive shown as to why the witness would fabricate such testimony.

The witness presented by Claimant to verify his innocence was, himself, charged with the same offense, and recently this Board denied that employee's claim. See Award 7183.

Based upon the entire record, we find no basis for disturbing the finding of guilt or the quantum of discipline imposed.

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  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 25th day of February, 1977.