

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

Parties to Dispute: (System Federation No. 114, Railway Employees'
(Department, A. F. of L. - C. I.O.
((Electrical Workers)
(Southern Pacific Transportation Company

Dispute: Claim of Employes:

1. That under the current Agreement, Mechanical Department Electrician Helper M R. Shism was unjustly treated when he was dismissed from service on January 22, 1976, following investigation for alleged violation of Rule "G" of the General Rules and Regulations of the Southern Pacific Transportation Company on November 4, 1975.
2. That accordingly, the Carrier be ordered to:
 - (a) Restore the aforesaid employe to service, with all seniority rights unimpaired, compensate him for all time lost and with payment of 6% interest added thereto.
 - (b) Pay employe's group medical insurance contributions, including group medical disability, Dental, dependent's hospital, surgical and medical and death benefit premiums for all time that the aforesaid employe is held out of service.
 - (c) Reinstate all vacation rights to the aforesaid employe.

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 dismissed from the service of the Carrier for violating rule G of the General Rules and regulations of the Carrier. Rule G prohibits the use of alcoholic beverages while on duty and being under the influence of intoxicants while on duty.

Form 1
Page 2

Award No. 7702
Docket No. 7572
2-SPT-EW-'78

The record in this case well substantiates the finding that the Claimant was under the influence of an alcoholic beverage while on duty on November 4, 1975. This is a serious offense for which dismissal is a proper penalty and we will not disturb same.


That the Agreement was not violated.

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 25th day of October, 1978.