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NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 7725
Docket No. 7589
2-CR-MA-'78

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

Parties to Dispute:

(International Association of Machinists and
(Aerospace Workers
(
(Consolidated Rail Corporation

Dispute: Claim of Employees:

That the Carrier violated the Controlling Agreement when on November 29, 1975, Machinist W. D. Atkinson was removed from service pending investigation and on December 19, 1975, dismissed in all capacities as a result of the investigation. That Machinist W. D. Atkinson be returned to duty, compensated for all wage losses, with seniority unimpaired, and made whole for any and all benefit losses due him under the Agreement and existing law.

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 charged with reporting for duty under the influence of alcohol and disorderly and abusive conduct including verbal threats of bodily harm to supervision. Following an investigation held pursuant to proper notice the claimant was found guilty and dismissed from the service of the carrier.

We have reviewed the transcript of the hearing held in this matter and find that sufficient evidence of probative value was presented at that hearing to support the charge. We have consistently held that dismissal is a proper penalty for offenses such as those involved herein. We will not disturb the discipline.

We find that the Agreement was not violated.

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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
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 1st day of November, 1978.