

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

Parties to Dispute: (System Federation No. 97, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(
(Atchison, Topeka and Santa Fe Railway Company

Dispute: Claim of Employees:

- (1) That the Carrier erred and violated the contractual rights of Mr. Garfield King when they dismissed him from service on February 25, 1976, as a result of an investigation held on January 20, 1976.
- (2) That, therefore, he be returned to service with all rights, privileges, and benefits restored including but not limited to vacation rights and seniority.
- (3) That he be compensated for all time lost including overtime and holiday pay that he would have earned had he not been dismissed from service.
- (4) Further, that he be made whole for health and welfare benefit payments, retirement and any other benefits that would have occurred had he been working.

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 Board has reviewed the entire record in this case and finds that the evidence supports the Carrier's position. Intoxication is a very serious offense in the railroad industry. Therefore, this claim must be denied.

A W A R D

Claim denied.

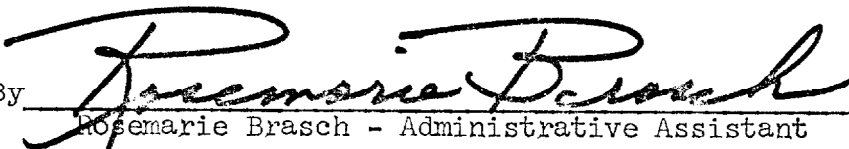
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Award No. 7740
Docket No. 7414
2-AT&SF-EW-'78

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 29th day of November, 1978.