

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: { System Federation No. 109, Railway Employees'
 { Department, A. F. of L. - C. I. O.
 { (Electrical Workers)
 { Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That under the current agreement the carrier improperly dismissed from service Michael Honan on March 3, 1977.
2. That accordingly the carrier be ordered to pay to Michael Honan all lost back wages from March 3, 1977 until he is restored to service.
3. That Michael Honan be returned to service with seniority rights unimpaired.
4. That Michael Honan be made whole for all vacation rights.
5. That Michael Honan be made whole for all health and welfare and insurance benefits.
6. That Michael Honan be made whole for pension benefits including Railroad Retirement and Unemployment Insurance benefits.
7. And that Michael Honan be made whole for any other benefits that he would have earned during the time he was held out of 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 employees 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.

After a full and fair investigative hearing, Claimant was dismissed from service by the Carrier on March 16, 1977, for "being under the influence of alcoholic beverages or narcotics, while on duty at Harrison Yard 1:30 PM Thursday, March 3, 1977".

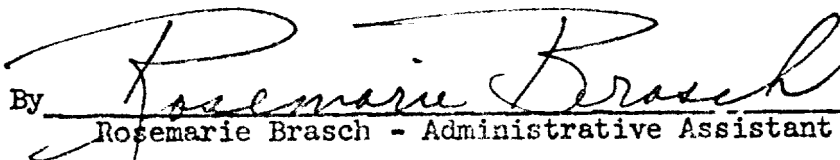
Based on the record of the investigative hearing, the Board finds no basis on which to question the Carrier's finding that the Claimant was guilty of the offense for which he was charged. Such employee conduct could well warrant dismissal action in and of itself, but any doubt concerning the severity of the penalty is further supported by the Claimant's disciplinary record which shows a previous 30-day suspension for the same offense.

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 5th day of September, 1979.