

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers
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(National Railroad Passenger Corporation (Amtrak)

STATEMENT OF CLAIM:

Appeal of discipline of thirty (30) days suspension imposed on Electrician R. Ward, Sunnyside Yard, N. Y. pursuant to Notice of Discipline dated October 3, 1986.

FINDINGS:

The Second Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

Carrier management received a tip that certain of its employees assigned to the 3:00 PM to 11:00 PM shift in New York's Grand Central Terminal were observed drinking in St. Ann's Bar near the station. At approximately 9:00 PM on September 8, 1986 two Supervisors entered the Bar and noticed Claimant sitting at the bar with a mug of beer, about half full, in front of him. Claimant was asked to return to the Terminal, where he was interviewed by the Supervisors, after which he was removed from service for being in violation of Rule G.

At Claimant's Investigation the two Supervisors testified that they observed Claimant to have slurred speech at the time and glazed eyes. Initially he signed a permission slip to undergo a blood alcohol test but later asked to have the slip back and tore it up. Further, the Supervisors testified that at one point in their interview with Claimant, immediately prior to his suspension pending Investigation, he admitted to drinking at the time.

Claimant testified that he had not been drinking and that the reason that he recanted on the blood test was because he had been taking medication for a cold and was not sure how this would affect the results.

On the basis of the testimony adduced in the Hearing Carrier elected to believe that of the two Supervisors and not that of the Claimant.

We have carefully studied the testimony developed at the Investigation and conclude that adequate evidence exists to support a conclusion that Claimant was drinking while on duty. It is recognized that neither Supervisor observed Claimant drinking from the mug of beer on the bar in front of him and that Claimant offered, what may be considered by some, plausible explanations on much of the testimony and evidence. However, he did not, in this testimony, or the questioning of Carrier's witnesses, deny, or otherwise attempt to impeach, their statements that he admitted that he had been drinking. This, and other elements in the record, support the conclusion that Claimant was in violation of Rule G.

We will not disturb the discipline assessed.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Beyer - Executive Secretary

Dated at Chicago, Illinois, this 3rd day of August 1988.