

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**Second Division**

**PARTIES TO DISPUTE:**

**INTERNATIONAL ASSOCIATION OF MACHINISTS**  
**CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES.**—Discharge case of Machinist John C. White, Goodland, Kansas.

**POSITION OF EMPLOYEES.**—Machinist John C. White was taken out of service September 27, 1935, on account of his home being raided by city officers. This is no violation of any rule of the Rock Island Railroad Company, which is claimed by the management.

John C. White's work has been satisfactory since 1922; he has never been disciplined for any delay to movement to train or power; he has never been disciplined for drinking liquor, or being intoxicated on or off duty, or for the frequenting of places where liquor is sold.

He was on duty at the time his home was raided and had been for three hours prior to time city officers made the raid; no liquor found in his home or on the property by officers who intimidated Mrs. White into pleading guilty to charge of liquor nuisance. Mrs. White was alone at the time, so in no way can Machinist White be held responsible.

As to Machinist White being an undesirable employe, and as to character and a good citizen, this is borne out in exhibit of the petition signed by leading business men of the city of Goodland, Kansas. Machinist John C. White has never been arrested before on any charge until April 7, 1936. Sherman County Court dismissed the charge of liquor nuisance on the lack of evidence as exhibit of court record.

**CARRIER'S STATEMENT OF FACTS.**—John C. White entered the service of the Chicago, Rock Island and Pacific Railway Company under date of November 25, 1917, as an oilhouse attendant. Later, he became a machinist apprentice, completing his apprenticeship at Goodland, Kansas, October 30, 1925, and was retained as a machinist at Goodland, Kansas, working as such since that date, when opportunity offered. He was dismissed from the service effective October 10, 1935, account being an undesirable employe, his home having been raided by civil officers on the night of September 14, 1935, and liquor found in his home, he and his wife being arrested, convicted and fined in the local court.

Rule "G", which governs the conduct of all employes in the carrier's service and with which all employes are familiar, reads:

"G. The use of intoxicants or narcotics by employes while on duty is prohibited. Their use, or the frequenting of places where they are sold, is sufficient cause for dismissal."

**POSITION OF CARRIER.**—The services of John C. White, machinist at Goodland, Kansas, had not been satisfactory for some time. As early as October 23, 1927, there was complaint in regard to drinking of intoxicating liquors in Goodland shops, and under date of December 9, 1927, Master Mechanic W. T. Fitzgerald interviewed Machinist White, who, however, denied that he had been drinking on or off duty. On May 11, 1934, Master Mechanic Fitzgerald, while at Goodland, called Mr. White to his room at Hotel Watters and advised him that the work was not being properly handled at Goodland as men were loafing on the job and not attending to their work, and Mr. White was asked to cooperate and render efficient work and not sleep on duty. Proper improvement was not shown and on the night of June 20, 1934, Master Mechanic Fitzgerald visited Goodland and found that Foreman Charles and Machinist White were not performing work during their assigned hours, and an investigation was held on the afternoon of June 21, 1934, Mr. G. J. Colburn representing Mr. White. Foreman Charles was dismissed at this time and we

**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.

The parties to said dispute were given due notice of hearing thereon.

The facts in this case do not sustain the carrier's action in discharging Machinist John C. White.

**AWARD**

Machinist John C. White shall be reinstated with full seniority rights, and compensated for all time lost since September 27, 1935.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: J. L. MINDLING  
*Secretary*

Dated at Chicago, Illinois, this 20th day of October, 1936.