

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: (System Federation No. 114 Railway Employees'
(Department A.F.L.-C.I.O. - Electrical Workers
(Southern Pacific Transportation Company
(Pacific Lines)

Dispute: Claim of Employee:

1. That under the current Agreement, Mechanical Department Electrician W. S. Harris was unjustly treated when he was dismissed from service on June 6, 1973, following investigation, for alleged violation of Rule "G" of the General Rules and Regulations of the Southern Pacific Transportation Company on May 17, 1973.
2. That accordingly, the Carrier be ordered to:
 - (a) Restore the aforesaid employee to service, with all service and seniority rights unimpaired, compensate him for all time lost and with payment of 6% interest added thereto.
 - (b) Reinstate all vacation rights for the aforesaid employee.
 - (c) Pay Southern Pacific Employees Hospital Association contributions, group disability premiums, including dependents' hospital, surgical, medical and death benefit premiums for all time that the aforesaid employee is 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 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 violation of Rule G. After investigation and hearing, Claimant was dismissed from Carrier's service.

The Organization contends that the evidence adduced at the hearing was insufficient to support a finding of culpability. Carrier presented three witnesses who testified that Claimant's breath smelled of liquor, that he was staggering, unsteady, and that his speech was slurred.

The Board finds, after reviewing the record, that there was substantive and probative evidence presented by Carrier to warrant its action. Under the circumstances, the claim must be denied.

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 26th day of August, 1975.