

The Second Division consisted of the regular members and in addition Referee Robert A. Franden 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 when they removed Mr. Maximo Manlic from service, as a result of an investigation, July 25, 1974.
- (2) That, therefore, Mr. Manlic be returned to service with all rights, privileges and benefits restored and compensated for lost time.

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.

This is a discipline case. Claimant was removed from the service of the carrier for using an alcoholic beverage while on duty.

A review of the transcript in the case confirms the carrier finding that the claimant did in fact violate the carrier's operating rule with respect to the use of alcoholic beverages while on duty. We have held many times that dismissal is not unreasonable punishment for such an offense.

Claimant was denied reinstatement by carrier in part because of his subsequent involvement in an assault and battery on a foreman subsequent to his separation from service.

Carrier was well within its rights to consider the employee's total record in handling the appeal of this claim. We find nothing to support the position of the claimant in this case.

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Award No. 7313
Docket No. 7231
2-AT&SF-EW-'77


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 July, 1977.