

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. 76, Railway Employees'  
( Department, A. F. of L. - C. I.O.  
( (Carmen)  
( Chicago and North Western Transportation Company

Dispute: Claim of Employees:

1. Car Inspector Stanley F. Kozuch was unjustly dismissed from service on October 1, 1975.
2. Car Inspector Stanley F. Kozuch was erroneously charged with possessing and consuming alcoholic beverages while on company property during his lunch hour on Friday, August 1, 1975.
3. That the Chicago and North Western Transportation Company be ordered to reinstate Mr. Kozuch for all time lost at eight hours per day, dating from August 1, 1975, with seniority unimpaired, plus any other benefits he would have been entitled to as per Rule 35.

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.

Claimant was charged with consuming alcoholic beverages while on company property and pursuant to a hearing and investigation was dismissed from the service of the carrier.

We have reviewed the record in this matter and find the evidence to support a charge that claimant was consuming alcoholic beverages while on duty. In view of the claimant's long record of service to the carrier (28 1/2 years) and because we believe that the discipline assessed to date has served its purpose, we will order the claimant reinstated without pay.

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Award No. 7352  
Docket No. 7239  
2-C&NW-CM-'77

A W A R D

Claim sustained in accordance with this opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By Rosemarie Brasch / ac  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 16th day of September, 1977.