

The Second Division consisted of the regular members and in addition Referee Arthur T. Van Wart when award was rendered.

Parties to Dispute: (System Federation No. 4, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(
(Chesapeake and Ohio Railway Company

Dispute: Claim of Employees:

1. That the Chesapeake and Ohio Railway Company unjustly dismissed Electrician Robert I. Sirois from service on June 15, 1976.
2. That, accordingly, the Chesapeake and Ohio Railway Company be ordered to restore Robert I. Sirois to service with his seniority rights unimpaired.

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 Electrician prior to the discharge here in dispute had been employed by Carrier for nearly nineteen years. As the result of an investigation held on May 19, 1976, in connection with a charge of excessive absenteeism during the year 1975 and the year of 1976 to hearing date, Claimant was adjudged guilty as charged and dismissed from service as discipline therefor, June 15, 1976.

The Board finds that contrary to the procedural objections interposed by the Employees, Claimant was accorded due process.

There was sufficient evidence to support carrier's conclusion as to Claimant's culpability on the charge of absenteeism.

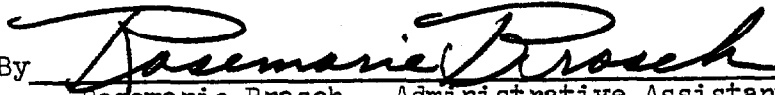
However, there were circumstances present which serve to mitigate the discipline assessed. The record reflects that Claimant, a military veteran, and holder of 19 years seniority, suffered from alcoholism which apparently was the reason for his absenting himself from service on the basis of safety for himself and others. The record further reflects that Claimant recognized his problem, admitted to it and had joined an Alcoholics Anonymous program, including counselling at the Veterans Administration, just prior to his termination. Carrier as an enlightened and progressive employer, has instituted a social counselling program to help employees with this affliction. The Board recognizes that Carrier's counselling program is totally independent of its disciplinary procedures and any employees rights acquired under a labor agreement. Such separation, like church and state, gives recognition to the essential fact that those individuals who suffer from alcoholism must first want to help themselves before they can be motivated to change the direction of their lives through daily total alcoholic abstention. Here, although Claimant did not use Carrier's social counselling program, he did recognize his problem and take steps, albeit belatedly, to correct it. He did want to help himself. Consequently, we find that the discipline assessed Claimant has now served its purpose. Claimant shall be reinstated to service with his seniority rights unimpaired but without any pay for time lost subject to the following: that after passing the usual return to service physical examination and although not necessary, Claimant is to be placed on notice, preferably in the presence of his committeeman, that he has an obligation, contractual and otherwise, to Carrier to perform service on his assignment during the required hours thereof and that any reversion to the behavior which led to his discharge will, after a hearing thereon, again provide Carrier with sufficient cause to permanently terminate his employment relationship. Whether Claimant continues his employment with the Chesapeake and Ohio Railway Company is the responsibility of Claimant. His destiny and continuance of the abstention program started is dependent solely on himself hereafter.

A W A R D

Claim sustained as per findings.

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 31st day of July, 1978.