

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: (System Federation No. 99, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Illinois Central Gulf Railroad Company

Dispute: Claim of Employees:

1. That under the current Agreement, Car Inspector E. J. Helenkamp was unjustly dismissed from the service of the Illinois Central Gulf Railroad on March 25, 1977.
2. That accordingly the Illinois Central Gulf Railroad be ordered to reinstate Car Inspector E. J. Helenkamp to service with seniority unimpaired, be paid for all time lost from March 17, 1977 until he is restored to service, and claiming all other benefits such as vacation rights, and all other benefits he would be entitled to under the existing Agreement, and 6% annual interest for all monetary loss.

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 dismissed from service for his actions on March 17, 1977, in violation of Superintendent's General Regulation No. 24 which reads:

"The use of intoxicants or narcotics by employees subject to duty, or in their possession or use while in duty, is prohibited."

From the record, the Board is satisfied that Claimant was guilty of violation of General Regulation No. 24 on the date in question. Interview with and treatment by Carrier's Special Agents were not in violation of the Agreement nor harmful to the Claimant's rights. Claimant received a fair and impartial investigative hearing.

Severe disciplinary action is warranted, but the Board finds that, under the circumstances, dismissal from service was unduly harsh. Claimant had a good work history during his six and one-half years of service, with no record of previous similar incidents. The Board will direct that Claimant be restored to duty with seniority unimpaired, but without payment of back pay or missed benefits. This Award, however, will stand in the Claimant's record as a strong warning as to the consequences of similar behavior in the future.

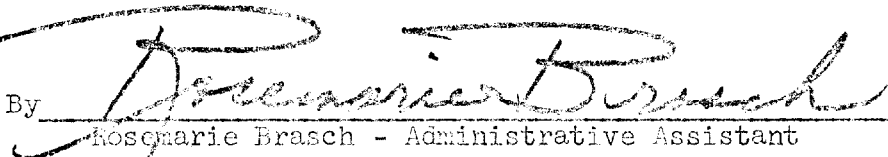
A W A R D

Claim sustained to the extent specified in 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 15th day of August, 1978.