

The Second Division consisted of the regular members and in addition Referee Irwin M. Lieberman when award was rendered.

Parties to Dispute: (System Federation No. 92, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Firemen & Oilers)
(
(Grand Trunk Western Railroad Company

Dispute: Claim of Employees:

1. That under the current agreement Laborer Elmer Smith was unjustly dismissed from the Carrier effective November 6, 1976.
2. That accordingly the Carrier be ordered to reinstate this employee with seniority rights unimpaired, pay for all time lost and all other benefits as specified by the Agreement retroactive to November 6, 1976.

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 herein was dismissed, after hearing, for allegedly being in violation of Carrier's operating Rule 3(b), which provides in pertinent part:

"Employees shall not report for nor be on duty, at any time, under the influence of intoxicants or any other substance whatsoever (including those prescribed for them for medical reasons) that will in any way adversely affect their alertness, coordination, reaction, response or ability to work properly or safely."

The evidence in this dispute is clear and uncontroverted. Claimant was found at 11:40 P.M. (his starting time was 11:00 P.M.) on the lunchroom floor, passed out. Subsequently at the hospital he was diagnosed as being under the influence of alcohol. Claimant admitted to having had two beers and a No Doz pill prior to reporting for work.

Cases such as that herein have been legion in this industry. There is little usefulness in reiterating and underscoring Carrier's responsibilities to its own employees as well as the public. There can be no question but that the discipline imposed in this dispute was both justified and appropriate.

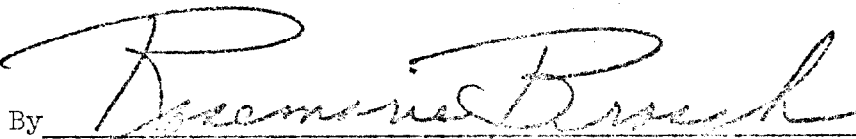
A W A R D

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 1st day of November, 1978.