

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. 42, Railway Employees'  
( Department, A. F. of L. - C I. O.  
( (Electrical Workers)  
(  
( Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That the Seaboard Coast Line unjustly, improperly, and without supporting the burden of proof dismissed Electrician Apprentice Steven B. Pavelsky from service beginning July 19, 1976.
2. That accordingly, the Carrier be ordered to remove this unjust and improper dismissal from the service record of the Claimant and compensate him for all time lost in connection therewith, beginning July 2, 1976 (date of improper suspension), through and including such date as he is properly restored to the service of the Carrier.
3. In addition, that Claimant be reinstated with all seniority rights, vacation rights and privileges, insurance rights and protection as well as all other compensation lost as a result of this improper and unjust dismissal.

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 the service of the Carrier for an alleged violation of Carrier Rule No. 18 "the possession or use of intoxicants or narcotics while on duty or on Company property is prohibited". Claimant was held out of service for five (5) days pending investigation, after which an investigation was held pursuant to proper notice.

The submissions in this case including the transcript of the investigation support the Carrier's finding that the violation was committed. This is a serious offense for which dismissal is a proper remedy. We find no reason to disturb the discipline in this case.


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 20th day of December, 1978.