

The Second Division consisted of the regular members and in addition Referee Robert A. Franden when award was rendered.

Parties to Dispute: { International Association of Machinists  
{ and Aerospace Workers  
{  
{ Louisville and Nashville Railroad Company

Dispute: Claim of Employees:

That under the terms of the Agreement, Machinist Thomas J. Jones, was unjustly suspended from the service of the Louisville and Nashville Railroad Company on the date of November 17, 1976, pending investigation. Investigation was held on November 24, 1976. On December 15, 1976, he was notified that he was dismissed from the service of the Louisville and Nashville Railroad Company.

That accordingly, Machinist Thomas J. Jones be restored to service with pay for all time lost, seniority rights, vacation, insurance, and all other rights unimpaired, beginning with his suspension from service on November 17, 1976 and dismissal on December 15, 1976, and continuing until this matter is settled.

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 was dismissed from the service of the Carrier after having been found to have engaged in conduct unbecoming an employee of the Carrier, to wit: selling marijuana. The claimant was convicted in criminal court after having been charged with selling 21 pounds of marijuana to a police officer. The Claimant takes the position that in that the offense occurred off duty and off the Carrier's property, it does not support disciplinary action.

The Board has long held that conduct off the Carrier's property while off duty can be grounds for discipline. Dealing in drugs is a serious matter for which the penalty of dismissal is appropriate. We will deny the claim.

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Award No. 8050  
Docket No. 7890  
2-I&N-MA-'79

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  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of August, 1979.