Form 1 NATIONAL RAILROAD ADJUSTMENT BOARD Award No. 8231
SECOND DIVISION Docket No. 8074
2-SPT-MA-'80

The Second Division consisted of the regular members and in addition Referee Kay McMurray when award was rendered.

Parties to Dispute: International Association of Machinists and Aerospace Workers

Southern Pacific Transportation Company

Dispute: Claim of Employes:

1. That under the current Agreement Machinist Helper B. Seuell (hereinafter referred to as Claimant) was improperly dismissed from the service of the Carrier on February 7, 1978.

2. That, accordingly, the Carrier be ordered to restore Claimant to service with seniority and service rights unimpaired and with compensation for all wage loss from date of dismissal to date of restoration to service.

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 entered Carrier's service in April, 1977. On December 30, 1977, after he reported for duty as a Machinist Helper, he was observed to be in an alleged state of intoxication at approximately 5 p.m. A hearing was held on January 23 and 24, and, as a result of this hearing, he was dismissed from Carrier's service by letter dated February 7, 1978.

Our review of the file, and the transcript of the hearing, reveals that more than substantial evidence was adduced at the hearing to establish Claimant's guilt. His Foreman and several fellow workers all testified that he had alcohol on his breath and other testimony established that his speech was incoherent, he had the odor of alcohol on his breath and his eyes were bloodshot. There is absolutely no question but that he was in no condition to be working on the railroad the afternoon of December 30, 1977.

Being under the influence of intoxicants is a serious offense in this industry, and numerous of our awards have consistently held that management need not tolerate such conduct. In this case, our review of the record indicates that prior to this time, Claimant had a clear disciplinary record and there is no other indication

that he was not a good employe. We will therefore reinstate him to service, with all rights unimpaired but without pay for time lost. In so doing, we caution him that management need not tolerate any further conduct of this nature and that in the event he is subsequently found guilty of another similar offense, this Board may not look so kindly on the case.

A W A R D

Claim sustained to the extent indicated in the findings.

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 16th day of January 1980.