Award No. 9122 Docket No. 8682 2-C&O-CM-'82

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

Parties to Dispute:

(Brotherhood Railway Carmen of the United States and Canada
(Chesapeake and Ohio Railway Company

Dispute: Claim of Employes:

- 1. That Freight Car Repairer Welder, Charles R. DeLong was unjustly dismissed from service as result of investigation held in the office of General Plant Manager, Raceland Car Shop, 10:00 a.m., Wednesday, November 1, 1978, in violation of Rule 37 of the Shop Crafts Agreement.
- 2. Accordingly, DeLong is entitled to be reinstated to service with seniority rights, vacation rights and all other benefits that are a condition of employment unimpaired; reimbursement for all losses sustained account loss of coverage under health and welfare and life insurance agreements, also compensation for all lost wages during the time held out of 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, Charles R. DeLong, was a Car Repairer Welder in Carrier's Raceland Car Shops in Russell, Kentucky. On October 26, 1978, he was observed by Company officials under the influence of alcohol on Company property. An investigation into the matter was held on November 1, 1978. As a result of that investigation, the charge was substantiated and Claimant was dismissed from Carrier's service.

The record of that hearing clearly shows that Claimant was afforded a full and fair hearing and that he was guilty as charged. Claimant also admitted to the charge. Claimant's past record reveals that he has twice before been disciplined by Carrier for being under the influence of alcohol while on Company property. He was assessed a 20-day and a 30-day suspension.

There is no doubt that Claimant is an alcoholic and needs help. He admitted this at the hearing and asked the Railroad to help him by not terminating him from service.

While the members of this Board may feel that Claimant should be given help

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for his problem, we are powerless to direct the Railroad to make such help available. Based on the record of this case, Carrier is within its rights to dismiss Claimant and this Board must deny this claim.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD By Order of Second Division

Attest: Acting Executive Secretary

National Railroad Adjustment Board

Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 16th day of June, 1982.