

The Second Division consisted of the regular members and in addition Referee Paul C. Carter when award was rendered.

Parties to Dispute: ( The International Association of Machinists - AFL-CIO  
( Illinois Central Gulf Railroad Company

Dispute: Claim of Employees:

1. That the Illinois Central Gulf Railroad violated the provisions of the applicable Schedule "A" Agreement, particularly Rule 39, but not limited thereto, when the Company suspended Machinist Floyd McMillan from the service on August 8, 1981 and subsequently dismissed him from the service on September 4, 1981 because on August 8 he allegedly:
  - (a) was argumentative and quarrelsome
  - (b) used an intoxicating beverage while on or subject to duty
  - (c) was in a vehicle during assigned working hours without proper authority
2. Accordingly, the Company be required to:
  - (a) reinstate Machinist McMillan to service with seniority rights unimpaired
  - (b) compensate him for all wages lost as a result of his suspension and dismissal from service beginning on August 8, 1981 until he is reinstated to service
  - (c) that he be made whole for all vacation rights
  - (d) that all health and welfare benefits be restored and premiums of same paid by the Company retroactive to August 8, 1981
  - (e) that Machinist McMillan be made whole for all losses incurred as a result of his suspension and dismissal from service.
  - (f) that he be paid 10% interest on all lost wages.

Statement:

The above question was submitted to the Second Division of the National Railroad Adjustment Board by the above referred to organization in ex parte form, hearing thereon was waived, and the Division is now in receipt of a request from the Carrier that the case be withdrawn.

Form 1  
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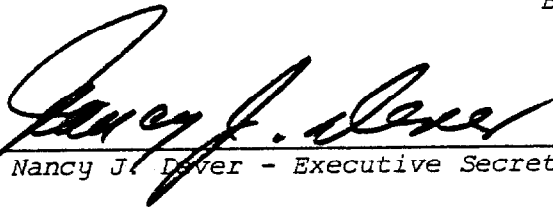
Award No. 9776  
Docket No. 10009  
2-ICG-MA-'84

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 25th day of January, 1984