

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

Parties to Dispute: (International Brotherhood of Firemen and Oilers
(Louisville and Nashville Railroad Company

Dispute: Claim of Employees:

1. That under the current and controlling agreement Service Attendant B. L. Fant, Jr., I. D. No. 111115, was unjustly dismissed from the service of the Louisville and Nashville Railroad Company on September 9, 1981, after a formal investigation was held on August 20, 1981.
2. That accordingly Service Attendant B. L. Fant, Jr., be restored to service at the Louisville and Nashville Railroad Company, South Louisville Shops, Louisville, Kentucky, compensated for all lost time, vacation, health and welfare, hospital, life and dental insurance be paid effective August 20, 1981, when Mr. Fant was suspended from service and the payment of 6% interest added thereto.

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 employes 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.

The Claimant, B. L. Fant, Jr., entered service with the Carrier on July 5, 1973, as a service attendant. He regularly worked at the Carrier's South Louisville Shops which handle major repair for both diesel locomotives and freight cars. By letter of September 9, 1981, the Claimant was informed of his dismissal from service for reporting to work under the influence of alcohol on August 13, 1981.

Scheduled to begin work at 7:00 A.M., the Claimant was first seen at the main entrance to the shops at 9:15 A.M. His slow speech and slurring of words caused a Special Services Sergeant to report his observations to Mechanical Department Officials. The Claimant's immediate supervisor believed that he had been drinking. The Claimant admitted to having consumed alcohol the previous night and voluntarily submitted to a blood/alcohol test administered at 12:30 P.M., August 13. The reading showed an alcohol level of 0.115 which was higher than the State of Kentucky's standard defining legal intoxication (0.10%). The Organization argues that this proof did not demonstrate the Claimant was intoxicated to a point where he could not perform his duties. The Board disagrees with such a position. We have repeatedly stated that

establishing the precise degree of impairment is not essential in that the charge of being under the influence concerns itself with adverse affects of alcohol upon the faculties. Considering the degree of alcohol discovered in the Claimant's blood level, the argument that Claimant was not adversely affected is groundless. We find substantial evidence supporting the charge of reporting to work under the influence of alcohol. This offense fully justifies Claimant's termination.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Devier - Executive Secretary

Dated at Chicago, Illinois, this 9th day of May, 1984