

The Second Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers
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(Soo Line Railroad Company

STATEMENT OF CLAIM:

1. That the Soo Line Railroad Company violated the current agreement, in particular Rules 35 and 36, when it unjustly withdrew Electrician G. M. Willeford from service as of March 29, 1986 and subsequently unjustly dismissed Mr. Willeford on May 1, 1986 for alleged violation of Rule G (as amended).

2. That the Soo Line Railroad Company be ordered to reinstate Electrician Willeford with all of his seniority and other rights unimpaired, compensate him for all lost wages and benefits, and expunge the record in connection with this matter.

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.

Claimant, an Electrician with eight years of service, was dismissed from service after Hearing on April 7, 1986 for violation of Carrier Rule G.

On Saturday March 29, 1986, Claimant was scheduled to start work at 4:00 p.m. The Mechanical Foreman testified that when Claimant arrived late for duty (approximately 4:25 p.m.), "His eyes were glassy. He had a very large smile on his face,...his general appearance appeared unkempt ...he appeared a little disheveled,...his speech was slurred...he appeared to be in a drunken stupor." The Mechanical Foreman testified that Claimant's speech became more noticeably slurred. Further, according to the Mechanical Foreman, Claimant told him that he was "high" and was drinking vodka.

Another Foreman testified that he entered the shop locker room and observed Claimant "sitting on a bench. He appeared to be intoxicated... sitting with his head down...[h]is eyes looked glassy..."

Claimant denied that he told the Mechanical Foreman that he was high or drinking vodka. However, Claimant testified as follows:

ER: Well, did you have anything to drink at all on Saturday?

GW: No, sir. Friday night yes, but Saturday, no.

ER: You drank quite a bit on Friday night then?

GW: Yes, sir, I did.

ER: What time did you quit drinking on Friday night?

GW: 1:00.

ER: And the condition that Tom Vierling indicated and Abernathy, that you were glassy eyed and slurring your words, was that from the night before?

GW: Evidently."

We find substantial evidence in the record to support the Carrier's conclusion that Claimant violated Carrier's amended Rule G which states, in pertinent part that "Employees must not report for duty under the influence of any alcoholic beverage, intoxicant, narcotic, marijuana, or other controlled substance or medication...." The observations made by the Foremen of Claimant's condition; Claimant's statements to the Mechanical Foreman that he was high and drinking vodka and Claimant's admission that his condition was "evidently" a result of his drinking "quite a bit" the previous night amount to substantial evidence that placed Claimant's conduct within the prohibition of that rule. Under the circumstances, holding Claimant out of service was not improper.

In light of the above, we cannot say that dismissal was either arbitrary or capricious.

A W A R D

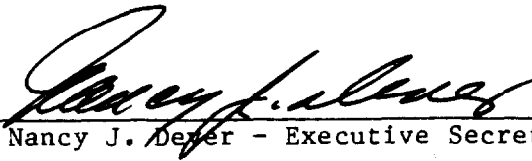
Claim denied.

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Award No. 11565
Docket No. 11418
88-2-87-2-59

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dexter - Executive Secretary

Dated at Chicago, Illinois, this 31st day of August 1988.