

Award No. 3185

Docket No. DC-3229

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Sidney St. F. Thaxter, Referee.

PARTIES TO DISPUTE:

THE BROTHERHOOD OF RAILROAD TRAINMEN

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Request that Steward S. J. Sweeney be reinstated and paid for all time lost from October 13th, 1944, for being dismissed on the alleged offense, reading:

"You reported for duty in a condition unfit to perform service due to indulging in intoxicants."

Claimant was held out of service without a fair and impartial trial, disregarding Regulation 6-A-1 of agreement effective January 16th, 1936, and should be reinstated and paid in accordance with Rule 7-B-1.

OPINION OF BOARD: There is no justification for the charge that the carrier in handling this case violated any of the provisions of Regulation 6-A-1.

The evidence justifies the finding that the claimant reported for duty in an intoxicated condition.

Considering all the facts, including the claimant's service records, we cannot say that the discipline here imposed was unreasonable. So long as the action of the carrier is not arbitrary and unreasonable, this Board will not interfere. It will not substitute its judgment for that of the carrier.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

There is no basis for an affirmative award.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 1st day of May, 1946.