



Award Number 17749

Docket Number MS-18275

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

David Dolnick, Referee

PARTIES TO DISPUTE:

MR. DARWIN W. BALES

NORFOLK AND WESTERN RAILWAY COMPANY

STATEMENT OF CLAIM: Notice is hereby given to each of you of my intention to file an ex parte submission at once.

QUESTION INVOLVED

To have the Petitioner, D. W. Bales, reinstated with the Carrier, Norfolk and Western Railway Company, with his seniority rights and all other rights unimpaired and compensated for all wage losses resulting from his wrongful dismissal from the service of the said Carrier.

BRIEF DESCRIPTION OF DISPUTE

The Petitioner was dismissed from the services of the Carrier for being intoxicated on the job. The penalty was entirely too severe for the offense charged to the Petitioner.

OPINION OF BOARD: The Petition was dismissed from the service of the Carrier on June 3, 1968, for being under the influence of intoxicants while on duty on May 13, 1968.

The Board has carefully reviewed the entire record and finds that none of Claimant's substantive procedural rights under the Agreement were violated in the manner in which he was charged or the investigation conducted. There was substantial evidence adduced at the investigation, including Claimant's own statement, to support the charge against him. Considering the seriousness of the charge and Claimant's prior service record, there is no proper basis for disturbing the action of the Carrier. The claim will, therefore, be denied.

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 Employee involved in this dispute are respectively Carrier and Employee 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

That the Agreement was not violated.

A W A R D

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

**ATTEST: S. H. Schulty
Executive Secretary**

Dated at Chicago, Illinois, this 25th day of February 1970.