

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John B. Criswell, Referee

PARTIES TO DISPUTE:

**JOINT COUNCIL DINING CAR EMPLOYEES, LOCAL 351
THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY
(Dining and Sleeping Car Service)**

STATEMENT OF CLAIM: Claim of Joint Council Dining Car Employees, Local 351, on the property of the Atchison, Topeka and Santa Fe Railway Company, for and on behalf of Waiter Henry R. Black, that he be returned to service and compensated for net wage loss with seniority and vacation rights unimpaired since March 28, 1969, account of Carrier suspending claimant from service on that date and dismissing claimant from service April 14, 1969, in abuse of its discretion and in violation of the Agreement between the parties hereto.

OPINION OF BOARD: Claimant was dismissed from service of the Carrier on charges of use of intoxicants while on duty. Eight times before Claimant had been dismissed for the same charge, in each instance reinstated on a leniency basis. On three occasions he was given reprimands and warnings for the same offense.

We are satisfied that the investigation developed evidence supporting the Carrier's charge, and find no procedural errors on the part of Carrier. We will deny the claim.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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

That the Agreement was not violated.

AWARD

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION**

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

Dated at Chicago, Illinois, this 7th day of August 1970.

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