

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19303  
Docket Number CL-19649

Joseph E. Cole, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,  
(Freight Handlers, Express and Station Employees  
(  
(The Chesapeake and Ohio Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-7066)  
that:

1. The Carrier violated the Agreement between the parties when on January 8, 1971, it dismissed Bassett W. Moore from service without just cause.
2. The Carrier shall now be required to return Bassett W. Moore to service, with all rights unimpaired and compensate him for all loss of wages.
3. The Carrier shall be required to compensate Bassett W. Moore for one day at the H. O. Cabin, Huntington, W. Va., time and one-half rate for January 4, 1971, plus \$5.00, expenses incurred while attending the investigation on that date.
4. In addition to amounts claimed above, the Carrier shall pay Bassett W. Moore an additional amount of eight (8) per cent per annum, compounded annually on the anniversary of this claim.

OPINION OF BOARD: 1. Claimant allegedly was intoxicated on company property.  
If a man is intoxicated, possession of intoxicants is established without seeing any intoxicants.

2. All procedural steps were followed properly and a finding was made based on the evidence adduced at the Board of Inquiry.

3. There was nothing improper or arbitrary in the finding of the Board of Inquiry.

4. The Carrier is well within its rights and duties in discharging the Claimant.

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;

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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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

E. A. Killen  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June 1972.