

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20504
Docket Number CL-20546

Robert A. Franden, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship
(Clerks, Freight Handlers, Express and
(Station Employees
(
(Southern Pacific Transportation company
((Pacific Lines)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-7482) that:

(a) The Southern Pacific Transportation Company violated the current Clerks' Agreement on December 12, 1972, when it dismissed K. A. Rorthcutt from service based on inconclusive evidence in connection with an alleged violation of Rule "G";

(b) The Southern Pacific Transportation Company shall now be required to reinstate Mr. Rorthcutt to service with seniority and all other rights unimpaired, and allow him one (1) day's pay at the applicable pro rata rate of Relief Position No. 41 each date commencing December 2, 1972, and continuing until returned to service;

(c) For any month which claim is made for compensation in behalf of the Claimant, premium payments shall be made in his behalf in the appropriate amounts required under Travelers Group policy Contract GA-23000, as amended, for all benefits described therein.

OPINION OF BOARD: Claimant, K. A. Rorthcutt, was dismissed from the service of the Carrier for an alleged violation of Rule G of the general rules and regulations of the Carrier which prohibits being under the influence of intoxicants.

It is the contention of the organization that there has been insufficient evidence presented to substantiate the charge.

The record does not support the organization's contention in this regard. There was sufficient evidence presented at the hearing from which reasonable men could have concluded that Claimant was guilty of a Rule G violation. By the well established standards of review set by this Board there has been no basis shown for substituting our judgment of the charge for that of the hearing officer. Further there has been no showing that the discipline of dismissal was too severe.

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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 8th day of November 1974.