

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number 21504
Docket Number CL-21613

Robert W. **Smedley**, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express **and** Station **Employees**

PARTIES TO DISPUTE: (

(Southern Pacific Transportation Company
((Pacific Lines)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8154) that:

(a) The Southern Pacific Transportation Company violated the current Clerks' **Agreement** when it arbitrarily and capriciously dismissed Mr. **Herbert** L. Cox from service following investigation in which its charges were not supported by evidence adduced; and,

(b) The **Southern** Pacific Transportation Company shall now be required to allow Mr. Herbert L. **Cox** eight (8) hours' compensation at the rate of his position October 4, 1974 and each date thereafter until he is restored to **service** with seniority rights unimpaired.

(c) For any month in which claim is hereby made for compensation on behalf of the **claimant** involved, the Carrier shall also make premium payments on behalf of the claimant in the appropriate amounts required under Travelers Group Policy GA-23000, as amended, Group Life Insurance and any other benefits under the current Clerks' Agreement.

OPINION OF BOARD: Claimant was charged with being under the influence of intoxicants while on duty and with losing control of a **company** vehicle thereby causing serious injury to himself and another as well as demolishing the vehicle. These charges were supported by substantial evidence. The record fails to disclose any valid basis on which this Board could overturn Carrier's decision dismissing Claimant from the **service**, and the entire claim will be denied.

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

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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. Paulsen*
Executive Secretary

Dated at Chicago, Illinois, this 15th day of April 1977.

