

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21723
Docket Number SG-21913

James F. Searce, Referee

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Elgin, Joliet & Eastern Railway Company

STATEMENT OF CLAIM: Claim of the General Committee of **the** Brotherhood
of Railroad Signalmen on the Elgin, Joliet and
Eastern Railway Company:

*** appeal from the discipline of dismissal of
Mr. L. Evanatz from the service of the Elgin, Joliet
and Eastern Ry. Co., following suspension on August 21,
1975.

* * *

It is requested that Mr. **Evanatz** be immediately returned
to his position of Signalman **Gang** No. 5, with all **rights** preserved
and pay for all time lost. /Carrier's file: RS-1-76/

OPINION OF BOARD: We have carefully reviewed *the* record in this
dispute and find the following to be pertinent
acknowledged facts.

The Carrier's Signal Department Instruction Manual contains
a rule **(G)** governing **employee** conduct which prohibits the use of
intoxicants by **employees** subject to duty and prohibits the possession of
intoxicants by **employees** while on company property. On August 21, 1975
Claimant, an **employee** subject to duty, entered onto the Carrier's
property while he was under the influence and in possession of intoxicants.
Claimant's state was such that he could not be awakened upon his being
discovered there.

These acknowledged facts are sufficient to establish Claimant's
violation of Rule G.

We have also reviewed the Claimant's disciplinary record and we
must conclude that the discipline assessed is justified.

In the light of our finding on the merits of this case, we need
not resolve other questions raised which are in dispute.

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.

RATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulke
Executive Secretary

Dated at **Chicago, Illinois**, this 29th day of **September 1977**.

