

NATIONAL **RAILROAD ADJUSTMENT** BOARD

THIRD DIVISION

Award Number 21828
Docket Number **MW-22034**

Don **Hamilton**, Referee

PARTIES TO DISPUTE: (Brotherhood, of Maintenance of Way **Employees**
(St. Louis-San Francisco Railway Company

STATEMENT OF CLAIM: "Claim of the System **Committee** of the Brotherhood
that:

(1) The discipline of Track Foreman C. O. Thompson for alleged
'violation of Rule **G**' was capricious, arbitrary, without just **and**
sufficient cause and **on** the basis of unproven charges (System File A-9279).

(2) The claimant's personal record be cleared of the charge
placed against him and reimbursement be made for all wage loss suffered
from April 23, 1976 to May 17, 1976, all in accordance with Rule 91(b)(6)
of Article 11."

OPINION OF BOARD: The Claimant was disciplined for violating **Rule G**.
He was dismissed from the service of the Carrier
April 22, 1976. The Carrier restored the Claimant to service May 17, 1976.

Rule G prohibits the use or possession of intoxicants or
narcotics by the Claimant.

The evidence is clear and **convincing** that the Claimant **consumed**
intoxicants and caused the **same** to be present at locations where he was
assigned.

The discipline assessed by the Carrier actually **amounted** to
less than a 30 day suspension. Based **on all of** the circumstances involved
in this case, the discipline assessed is certainly not excessive.

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: *Al W. Paulsen*
Executive Secretary

Dated at Chicago, Illinois, this 6th day of January 1978.

