

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22251  
Docket Number CL-22275

Nathan Lipson, Referee

(Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers  
( Express and Station **Employees**  
PARTIES TO DISPUTE: (  
(Southern Railway Company

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood  
(CL-8477) that:

"(a) Carrier violated the Agreement at Atlanta, Georgia, when it dismissed Mrs. R. D. Holland, Data Input Operator from the service of the carrier, effective **12:00** noon, June 24, **1976**, for allegedly being under the influence of **alcohol** while on duty.

"(b) Carrier shall be required to restore Mrs. R. D. Holland to the service with seniority and all rights unimpaired, and compensate her for all time lost beginning **12:00** noon, June 24, 1976, and continuing until restored to the service."

OPINION OF BOARD: Shortly after **7:30** A.M., the **claimant's** starting time, the Carrier received reports that the claimant's condition and behavior was abnormal. A blood test four and one-half hours later showed the claimant's alcohol content to be **.16%**.

In reviewing the transcript the **Board** finds there is substantial evidence that claimant was under the influence of alcohol. However, in light of the claimant's **many** years of service (33 years) and that her record was virtually unblemished for four **years** since a simple five-day suspension for a **somewhat** similar incident, we hold permanent dismissal to be excessive. We direct the Carrier to restore her to service with a warning that this is her final chance. There will be no pay for time lost because it cannot be said she was found "blameless" in the matter with which she was charged.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 discipline was excessive.

A W A R D

Claim sustained to the extent indicated in this Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A.W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 14th day of December 1978.

