

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23128  
Docket Number CL-23010

James F. Scarce, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employee  
**PARTIES TO DISPUTE:** (  
(The Baltimore and Ohio Railroad Company

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood (GL-8823)  
that:

(1) The Carrier violated the terms of the Agreement between the Parties when, on March 23, 1977, it imposed discipline of 15 days' suspension from service upon Yard Clerk G. A. Miller as a result of an investigation held March 9, 1977, and

(2) The Carrier shall, as a result, be required to compensate Mr. G. A. Miller fifteen (15) days' pay at the rate of his position for the period March 29, 1977 through April 13, 1977.

**OPINION OF BOARD:** Notwithstanding the Organization's contentions on the record to the contrary, the Carrier has met its obligation to establish that the Claimant was in a company vehicle on the premises with intoxicating beverages in his possession -- all without authority and in violation of applicable Rules. Additionally, the record supports the Carrier's claim that the hearing was properly conducted. As to the extent of the discipline assessed, considering the seriousness of the infraction, we find no basis to mitigate the suspension as assessed.

**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 Employee involved in this dispute are respectively Carrier and Employee 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.

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**Claim denied.**

NATIONAL RAILROAD ADJUSTMENT BOARD  
By **Order** of Third Division

ATTEST:

*A.W. Paulson*  
Executive **Secretary**

Dated at Chicago, Illinois, **this 15th** day of **January 1981.**