

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23584
Docket Number CL-23484

A. Robert Lowry, Referee

PARTIES TO DISPUTE:

{ Brotherhood of Railway, Airline and Steamship Clerks,
Freight Handlers, Express and Station Employees
{ Southern Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-\$1218) that:

Carrier violated the Agreement at Washington, D.C., when on July 6, 1978, it dismissed Ms. Janice L. Dudley. Extra PBX Operator, from all services of Southern Railway Company for allegedly being found asleep on a couch in a highly intoxicated condition in Room 505 (Lounge) of the Washington Office Building at approximately 8:05 a.m., Saturday, July 1, 1978, while on duty.

For this violation, the Carrier shall be required to restore Ms. Janice L. Dudley to service with all rights and seniority unimpaired and compensate her for all work to which she otherwise would have been entitled, beginning July 2, 1978, and continuing until such time that restoration and compensation has been accomplished.

OPINION OF BOARD: Ms. Janice L. Dudley, the Claimant, was employed as an Extra PBX Operator by the Carrier with a seniority date of July 7, 1977. On July 1, 1978, she was assigned to work 7:00 A.M. to 3:30 P.M. in Carrier's PBX office located in its Washington headquarters building. At approximately 8:05 A.M. Claimant was found in a deep sleep in the lounge off the PBX office. On July 6, 1978, the Carrier, by letter, formally dismissed Claimant from all services of the Carrier "*** as a result of being found asleep on the couch in a highly intoxicated condition ***". Claimant's representative requested and received a formal investigation of the charges as provided in Rule C-1 of the applicable Agreement.

The investigation was held on August 22, 1978, after postponement due to Claimant's inability to meet an earlier date. Copy of the transcript was made a part of the record. A careful examination of the transcript indicates Claimant was given a fair and impartial hearing; she was represented by an accredited representative of her Organization, permitted to cross examine Carrier's witnesses, and was accorded the right to support her position with witnesses which she chose not to do.

A thorough study of the entire record, including the transcript, indicates beyond a question of doubt that Carrier proved its case. Three witnesses testified in the investigation that they found Claimant in a deep sleep, smelling of alcohol and in an intoxicated condition. The three witnesses were unable to revive Claimant by using cold wet towels and other methods and finally resorted to calling the District of Columbia Medical Unit which sent

A team who revived her with smelling salts. Claimant testified in the investigation that after she had reported to work she "*** felt tight and overheated *** and *** feeling dizzy WAS the last she remembered ***" when she WAS finally awakened by the Medical Team. The Carrier proved its case and this Board will not disturb the discipline assessed.

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 Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant



Dated at Chicago, Illinois, this 10th day of March 1982.