

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **24168**  
Docket Number **MW-24350**

Joseph A. Sickles, Referee

PARTIES TO DISPUTE:

{ Brotherhood of Maintenance of Way Employees  
{ The Chesapeake and Ohio Railway Company (Northern Region)  
( (excluding Hocking Division)

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

(1) The ten (10) days of suspension imposed upon **Trackman D. J. Taylor** for allegedly 'being under the influence of intoxicants on **Company** property and conduct **unbecoming** an employee at **approximately 3:30p.m., Thursday, August 14, 1980, at Saginaw, Michigan**' was **arbitrary, capricious, unwarranted** and on the basis of **unproven charges (System File C-D-998/MG-2886)**.

(2) The **claimant's** record be cleared of the charges leveled against him and he shall be compensated for **all wage** loss suffered."

OPINION OF BOARD: The **Claimant** was notified that he was charged with **being** under the influence of intoxicants on **Company property** and **conduct** **unbecoming** an **Employee**. Subsequent to the hearing on the charges, the Claimant was **found** to have been **under** the influence of intoxicants and It was also **found** that he **conducted himself in an unbecoming manner**. He was suspended for ten (10) **days**.

We have reviewed the record **at length** and we feel that there is evidence in the record to **substantiate** the **Carrier's conclusion** of guilt.

The Board is not unmindful of the **Claimant's** testimony to the contrary; however there is sufficient evidence of outward indications and physical **manifestations** to suggest that the **Employee** had consumed a quantity of intoxicants and that he was in **violation** of **Company rules** in that regard.

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.

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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 **15th day of February 1983**.

