

Award No. 3184

Docket No. DC-3228

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Sidney St. F. Thaxter, Referee.

PARTIES TO DISPUTE:

THE BROTHERHOOD OF RAILROAD TRAINMEN

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Request that Steward F. J. Hughes be reinstated and paid for all time lost from October 24th, 1944, for being dismissed on the alleged offense, reading:

"You were under the influence of liquor when you arrived at Pennsylvania Station, New York, on Train 42, to which you were assigned in the capacity of Dining Car Steward."

Claimant was held out of service without a fair and impartial trial, disregarding Regulation 6-A-1 of agreement effective January 16th, 1936, and should be reinstated and paid in accordance with Rule 7-B-1.

OPINION OF BOARD: There is no justification for the charge that the Carrier in handling this case violated any of the provisions of Regulation 6-A-1.

The evidence warrants the finding that the Claimant was intoxicated while on duty. The penalty imposed of dismissal was not unreasonable particularly in view of the Claimant's service record.

There is no basis for an affirmative award.

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 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 there is no basis for an affirmative award.

AWARD

Claim denied.

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

ATTEST: H. J. Johnson
Secretary

Dated at Chicago, Illinois, this 1st day of May, 1946.