

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21504
Docket Number CL-21613

Robert W. Smedley, Referee

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8154) that:

(a) The Southern Pacific Transportation Company violated the current Clerks' Agreement when it arbitrarily and capriciously dismissed Mr. Herbert L. Cox from service following investigation in which its charges were not supported by evidence adduced; and,

(b) The Southern Pacific Transportation Company shall now be required to allow Mr. Herbert L. Cox eight (8) hours' compensation at the rate of his position October 4, 1974 and each date thereafter until he is restored to service with seniority rights unimpaired.

(c) For any month in which claim is hereby made for compensation on behalf of the claimant involved, the Carrier shall also make premium payments on behalf of the claimant in the appropriate amounts required under Travelers Group Policy GA-23000, as amended, Group Life Insurance and any other benefits under the current Clerks' Agreement.

OPINION OF BOARD: Claimant was charged with being under the influence of intoxicants while on duty and with losing control of a company vehicle thereby causing serious injury to himself and another as well as demolishing the vehicle. These charges were supported by substantial evidence. The record fails to disclose any valid basis on which this Board could overturn Carrier's decision dismissing Claimant from the service, and the entire claim will be denied.

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

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That the Agreement was not violated.

A W A R D

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 April 1977.

