

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21723
Docket Number SG-21913

James F. Searce, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Elgin, Joliet & Eastern Railway Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Elgin, Joliet and Eastern Railway Company:

*** appeal from the discipline of dismissal of Mr. L. Evanatz from the service of the Elgin, Joliet and Eastern Ry. Co., following suspension on August 21, 1975.

* * *

It is requested that Mr. Evanatz be immediately returned to his position of Signalman Gang No. 5, with all rights preserved and pay for all time lost. [Carrier's file: RS-1-76/

OPINION OF BOARD: We have carefully reviewed the record in this dispute and find the following to be pertinent acknowledged facts.

The Carrier's Signal Department Instruction Manual contains a rule (G) governing employee conduct which prohibits the use of intoxicants by employees subject to duty and prohibits the possession of intoxicants by employees while on company property. On August 21, 1975 Claimant, an employee subject to duty, entered onto the Carrier's property while he was under the influence and in possession of intoxicants. Claimant's state was such that he could not be awakened upon his being discovered there.

These acknowledged facts are sufficient to establish Claimant's violation of Rule G.

We have also reviewed the Claimant's disciplinary record and we must conclude that the discipline assessed is justified.

In the light of our finding on the merits of this case, we need not resolve other questions raised which are in dispute.

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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 29th day of September 1977.

