

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21863  
Docket Number CL-22027

Don Hamilton, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station Employees  
(  
(Soo Line Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-8384) that:

(1) Carrier's action in the dismissal from service of Mr.  
J. J. Carrier, Seniority District No. 32, Minneapolis, Minnesota,  
effective March 3, 1976, was unjust, arbitrary and capricious.

(2) Mr. J. J. Carrier shall have his record cleared of any  
and all charges which may have been placed against him because of this  
case.

(3) Mr. J. J. Carrier shall now be reinstated to the service  
of the Carrier with seniority and other rights unimpaired.

(4) Mr. J. J. Carrier shall now be compensated for all wages  
and other losses sustained account of this arbitrary dismissal.

OPINION OF BOARD: The Claimant was assigned the position of Assistant  
Chief Yard Clerk in the Yard Office at Shoreham,  
Minnesota. His seniority date is July 9, 1964.

A review of the proceedings on the property clearly illustrates  
that it was proper for the Carrier to discipline the Claimant for his  
behavior.

However, there are extenuating circumstances in this case.

The Claimant has been an employe of the Soo Line in excess  
of eleven years. He suffers from hypertension which may account for  
some of his behavior.

He had been treated for alcoholism in 1973, but was holding  
his own through the efforts of AA and, in fact, at the time of the  
alleged incident had been without the influence of alcohol for two and  
one-half years and was attending school preparing to learn how to  
counsel alcoholics.

If this incident was, in fact, isolated in nature, then the investment the Railroad has in this employe is worth protecting.

It is held that the discipline of discharge was excessive and that the Claimant should be reinstated without back pay.

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 Employes involved in this dispute are respectively Carrier and Employes 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 violated.

A W A R D

Claim sustained to the extent and in the manner set forth in the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 31st day of January 1978.