

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22501
Docket Number CL-22654

Paul C. Carter, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers
(Express and Station Employees
(
(Illinois Central Gulf Railroad

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8697) that:

(1) Carrier erred when it dismissed Clerk Elmer C. Bloucher from service on December 14, 1976, as a result of an investigation held on December 10, 1976, and that

(2) Carrier shall now be required to restore Clerk Bloucher to service with all rights unimpaired and with compensation for all time lost.

OPINION OF BOARD: Following a formal investigation conducted on December 10, 1976, claimant was dismissed from service on December 14, 1976, for being under the influence of an intoxicant when reporting for work on the 3:00 P.M. to 11:00 P.M., Porter-Messenger assignment at East St. Louis, Illinois, on December 3, 1976.

The Board has carefully reviewed the transcript of the investigation, and finds that claimant received a fair and impartial hearing, and that none of his substantive procedural rights was violated.

There was substantial evidence in support of the charge for which claimant was dismissed from the service. Also, his prior record was less than satisfactory. There is no proper basis for this Board to interfere with the discipline imposed by the Carrier. The 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

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. Paulina
Executive Secretary

Dated at Chicago, Illinois, this 31st day of August 1979.