

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23238  
Docket Number MW-23441

Paul C. Carter, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(  
(The Chesapeake and Ohio Railway Company  
(Southern Region)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The dismissal of Trackman Edward L. McQueen for alleged use of intoxicants and for alleged violation of Rule 11 was without just and sufficient cause and wholly disproportionate to the charges leveled against him (System File C-D-789/MG-2561).

(2) Trackman Edward L. McQueen shall be afforded the remedy prescribed in Rule 21(e)."

OPINION OF BOARD: Following an investigation conducted on May 11, 1979, claimant was notified of his dismissal from service on May 31, 1979 for being at fault in the use of intoxicants on April 27, 1979 and violating Rule 11 of the Engineering Department Maintenance Rules on the same date.

Rule 11 of the Engineering Department Maintenance Rules, referred to in the notice of dismissal, reads:

"11. No employe will absent himself from duty, nor engage a substitute to perform his duties without permission from the proper authority. Employes must report for duty at the designated time and place."

A copy of the transcript of the investigation conducted on May 11, 1979 has been made a part of the record. A review of the transcript shows that none of claimant's substantive procedural rights was violated. Without detailing it, suffice it to say that substantial evidence was adduced at the investigation to support the discipline imposed. 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. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1981.

