

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24168
Docket Number MW-24350

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: { Brotherhood of Maintenance of Way Employes
{ The Chesapeake and Ohio Railway Company (Northern Region)
{ (excluding Hocking Division)

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

(1) The ten (10) days of suspension imposed upon Trackman D. J. Taylor for allegedly 'being under the influence of intoxicants on Company property and conduct unbecoming an employee at approximately 3:30 p.m., Thursday, August 14, 1980, at Saginaw, Michigan' was arbitrary, capricious, unwarranted and on the basis of unproven charges (System File C-D-998/MG-2886).

(2) The claimant's record be cleared of the charges leveled against him and he shall be compensated for all wage loss suffered."

OPINION OF BOARD: The Claimant was notified that he was charged with being under the influence of intoxicants on Company property and conduct unbecoming an Employee. Subsequent to the hearing on the charges, the Claimant was found to have been under the influence of intoxicants and it was also found that he conducted himself in an unbecoming manner. He was suspended for ten (10) days.

We have reviewed the record at length and we feel that there is evidence in the record to substantiate the Carrier's conclusion of guilt.

The Board is not unmindful of the Claimant's testimony to the contrary; however there is sufficient evidence of outward indications and physical manifestations to suggest that the Employee had consumed a quantity of intoxicants and that he was in violation of Company rules in that regard.

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 Employee 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

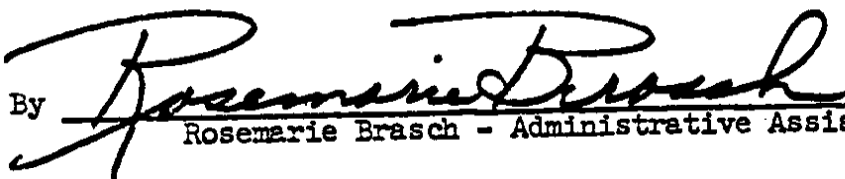
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Acting Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of February 1983.

