

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25032
Docket Number CL-25158

Eckehard Muessig, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks
(
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9750) that:

1. Carrier violated the Agreement Rules, particularly Rule 21, when it dismissed Mr. R. E. Rhodes from its service, and,

2. Carrier shall now be required to return Mr. Rhodes to its service with all rights unimpaired and compensate him for all lost time including compensation for any and all fringe benefits he has been deprived of under any group health, dental and life insurance plans now in effect for clerical employees on this property.

OPINION OF BOARD: The Claimant was dismissed from the service of the Carrier, after investigation, on the finding that his conduct was unbecoming an employee, by being in the possession of marijuana and L.S.D. and selling marijuana to two youths on September 4, 1981.

While the Board is not unmindful of the Organization's assertions, in its advancement of this claim, we find that Carrier has met its burden with respect to the charges. This Division has held on numerous occasions that dealing in drugs is a serious matter that may result in numerous adverse consequences with respect to the health and safety of Carrier's employees and the public. Given the facts of record, there is no proper basis for interfering with the discipline imposed by the Carrier, and the claim is 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.



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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 26th day of September 1984.

