

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

(James E. McDade
PARTIES TO DISPUTE: (
(Burlington Northern Railroad Company

STATEMENT OF CLAIM:

"1. Whether there is just and sufficient cause to sustain James E. McDade's discharge of September 10, 1987; and

2. Whether there is just and sufficient cause for the railroad to declare that James E. McDade's termination was a forfeiture of seniority; and

3. Whether race discrimination was a factor in James E. McDade's termination of September 10, 1987; and

4. Whether James E. McDade was granted a fair and impartial investigation in his termination investigation; and

5. Whether the termination was too severe a punishment under all of the circumstances; and

6. Whether the termination of James E. McDade was supported and justified by the adequate quantum of proof required in these kinds of cases; and

7. Whether the railroad made a reasonable accommodation to James E. McDade's disabling condition of depression; and

8. Whether James E. McDade should have been placed in an alcohol and drug rehabilitation program as an alternative discharge."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

This dispute was considered in First Division Award 23956 which denied the claim. That Award governs this claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 24th day of September 1991.