

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31781
Docket No. SG-32025
96-3-94-3-391**

The Third Division consisted of the regular members and in addition Referee James E. Mason when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Illinois Central Railroad**

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Illinois Central Railroad (IC):

Claim on behalf of J.K. Rowe, for reinstatement to service with compensation for all time and benefits lost as a result of his dismissal from service, account Carrier violated the current Signalmen's Agreement, particularly Rule 35, when it failed to provide the Claimant with a fair and impartial investigation and imposed harsh and excessive discipline against the Claimant in connection with an investigation held on February 18, 1993. Carrier's File No. 71 SIG. BRS File Case No. 9431-IC."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier or employee 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 were given due notice of hearing thereon.

This is a discipline case in which the Claimant, a Signal Maintainer, was dismissed from service following a Hearing on charges of responsibility in connection with his use of a company vehicle without proper authority and driving the company vehicle while under the influence of intoxicants resulting in extensive damage to the vehicle and Claimant's arrest and conviction by the law forces of the appropriate jurisdiction.

From the Board's review of the case record, which includes the Hearing transcript, it is obvious that the Claimant was accorded all due process rights to which he was entitled under the terms of the Agreement. The Hearing transcript clearly reveals that the Claimant was, in fact, guilty of the charges as made. The discipline as assessed was commensurate with the gravity of the dereliction. The Board will not interfere with the Carrier's determinations in this case. The Organization's appeal on behalf of the Claimant is denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 20th day of November 1996.