

Award No. 1
Case No. 1

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employes
and
Louisville and Nashville Railroad Company

STATEMENT
OF
CLAIM:

1. The dismissal of Track Repairmen J. P. Sanders, S. T. Rubenacker, L. G. Goff and S. L. Dodson was without just or sufficient cause and was extremely disproportionate to the offense with which charged.
2. Claimants Sanders, Rubenacker, Goff and Dodson shall be reinstated to service with seniority rights unimpaired and with pay for all time lost.

FINDINGS:

Claimants, trackmen with from two to five years service, were dismissed from Carrier's service for violating Rule G's prohibition against the use and possession of intoxicants or narcotics.

2363-AWP1

There is substantial credible evidence in the record that a search made of claimants' lockers in the Camp car reserved for their use by Carrier as away-from-home accommodations established that a beer bottle containing marijuana and three codeine pills as well as a marijuana smoking pipe were found in Dodson's locker, marijuana seeds and packages of smoking papers in Sanders' locker, a marijuana butt in Goff's locker and a partially filled bottle of whiskey in Rubenacker's locker. Numerous beer cans, some of which were full, were also found in the car. The investigation of the car was prompted by the discovery of the beer cans and marijuana or hashish pipe hanging on the inside of a window of the camp car.

Carrier's findings that the lockers in which these items were found were assigned to and used by claimants is supported by the evidence and we find claimants' explanations as to absence from the cars during the material times unpersuasive. We also are unimpressed by evidence that Dodson's dentist had suggested the use of codeine to ease the pain resulting from dental work. The prohibition against possession of intoxicants or narcotics is a reasonable exercise of managerial authority, particularly in view of Carrier's enormous and farflung responsibilities.

No prejudicial procedural error is disclosed by the record.


2363-AW01

AWARD:

Claim denied.

Adopted at Louisville, Kentucky,

December 10, 1979.



Harold M. Weston, Chairman



Carrier Member



Employee Member