

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 suspension and subsequent dismissal of Foreman D. F. Martin was without just or sufficient cause and was extremely disproportionate to offense with which charged.
2. Claimant Martin shall be reinstated to service with seniority unimpaired and with pay for all time lost.

FINDINGS:

Claimant was the foreman of the four trackmen whose dismissals were sustained by this Board in Award No. 1. In that Award we found that marijuana, codeine, a narcotic smoking pipe and whiskey were discovered in the lockers of those four track repairmen. It was also established in that case that numerous beer cans, filled

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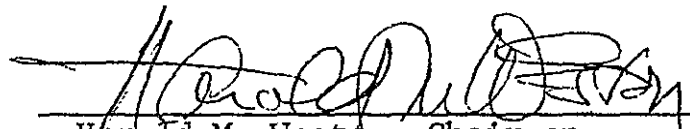
and unfilled, were scattered in that track gang's camp car and the surrounding area.

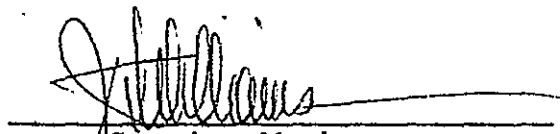
While there is no suggestion that Claimant Martin was involved in that misconduct, we find no persuasive ground for substituting our judgment for that of Carrier in this matter. Without question, claimant was remiss in failing to report the condition of the camp car.

AWARD:

Claim denied.

Adopted at Louisville, Kentucky, *December 10,* 1979.


Harold M. Weston, Chairman


Carrier Member


Employee Member