

Award No. 8
Case No. 25

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

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

STATEMENT
OF
CLAIM:

1. The dismissal of Foreman J. L. Downs was without just or sufficient cause and wholly disproportionate to the offense with which charged.
2. Claimant shall be reinstated with all other benefits and remedies of Rule 27(f).

FINDINGS:

Claimant was dismissed for using and possessing intoxicants while on duty. The Testimony of Division Engineer Lanin is that his eyes were blood shot, red and blurry and that the odor that "surrounded him" is associated with "heavy drinking." The Division Engineer testified further that claimant was incoherent and not in proper control of his senses. Roadmaster Sandefur corroborated that testimony in essential

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particulars and Assistant Division Engineer Permar testified that cold beer was found in claimant's possession while on Company property and time.

While claimant denied being guilty of these infractions, the above testimony is credible and substantial and adequately supports Carrier's findings. No sound basis is perceived for setting aside the discipline imposed on claimant, under the principles and practices of Adjustment Boards in this industry.


AWARD: Claim denied.

Adopted at Louisville, Kentucky,

December 10, 1979.



Harold M. Weston, Chairman



Carrier Member



Employee Member