

PUBLIC LAW BOARD 2366

PARTIES TO DISPUTE

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| Brotherhood of Maintenance of Way Employees | : |
| | : Docket No. 109 |
| Illinois Central Gulf Railroad Company | : Award No. 93 |

STATEMENT OF CLAIM

(1) The dismissal of Trackman T. L. Morris was without just and sufficient cause. (Organization File MW-71-T-85; Carrier File 1717)

(2) Claimant T. L. Morris shall be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered."

OPINION OF THE BOARD

The Claimant was notified of an investigation on a charge of use of intoxicants while on duty. The Claimant did not attend the investigation although he was represented by the Organization. Subsequent to the investigation, he was dismissed from service.

The evidence of record shows that the Claimant was observed sitting on a track machine consuming beer at 8 a.m. The Claimant stated that he wanted to get fired and that he had already consumed a six pack of beer that morning. The record leaves no doubt that the Employee violated Rule G and his statements indicate that the violation was intentional, since he no longer desired to work for the Carrier. We are unable to find that the discipline was excessive.

Based on the entire record we will deny the claim.

Findings

The Board, upon the consideration of the entire record and all of the evidence finds:

The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

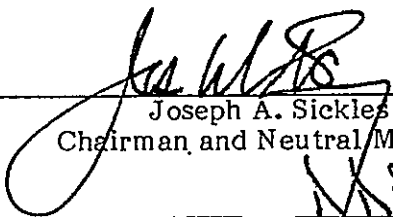
This Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due and proper notice of hearing thereon.

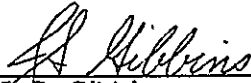
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AWARD

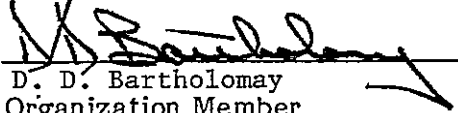
Claim denied.



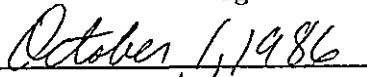
Joseph A. Sickles
Chairman and Neutral Member



J. S. Gibbins
Carrier Member



D. D. Bartholomay
Organization Member



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