

PUBLIC LAW BOARD NO. 3765

Parties
to the
Dispute

CONSOLIDATED RAIL SYSTEM FEDERATION BROTHERHOOD OF
MAINTENANCE OF WAY EMPLOYES

vs.

GRAND TRUNK WESTERN RAILROAD COMPANY

Award No. 1
Case No. 1

STATEMENT OF CLAIM

- (a) The dismissal of Machine Operator Fred Hess was without just and sufficient cause, and was not supported by facts.
- (b) Claimant Hess shall be restored to service without loss of compensation, seniority, vacation rights, and all benefits and privileges allowed him prior to his dismissal.

OPINION OF THE BOARD

Claimant Fred Hess was employed by Carrier as a Machine Operator. On August 28, 1975, he was notified to report for an investigation to determine his responsibility in an alleged Rule G. violation. He was charged with drinking beer on Company property while on duty. As a result of that hearing, Claimant was found guilty as charged and dismissed from Carrier's service. A review of the record produced

by the Hearing Officer reveals that Claimant was guilty as charged and that dismissal from service was appropriate. The record clearly supports the fact that Claimant was drinking beer while sitting on a machine on Company property. This is clearly a blatant disregard of Rule G. ("The use of intoxicants or narcotics by employees subject to duty, or their possession or use while on duty, is prohibited.") Removal from service under the conditions present here is appropriate.

AWARD

The claim is denied.

R. E. Dennis
R. E. Dennis, Neutral Member

W. E. Larue
W. E. Larue, Employee Member

R. J. O'Brien
R. J. O'Brien, Carrier Member

May 27, 1987
Date of Adoption