

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

ILLINOIS CENTRAL RAILROAD

PUBLIC LAW BOARD No. 4331: CASE No. 8

STATEMENT OF THE CLAIM

J.E. Grassel was improperly dismissed.

OPINION OF THE BOARD

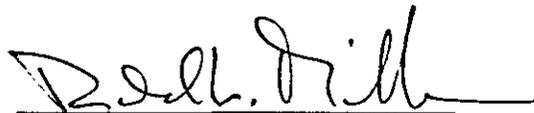
The Claimant, Mr. J.E. Grassel, was dismissed from employment with the Carrier for allegedly violating Rule G (using intoxicants while subject to duty) on August 13, 1986.

There is substantial evidence from which to conclude that Mr. Grassel violated Rule G on August 13, 1986. Three persons observed Mr. Grassel on that date. They testified that Mr. Grassel emitted a strong odor of alcohol and was unsteady on his feet. Additionally and most important, Mr. Grassel admitted at the worksite and testified at the hearing that he had consumed alcohol prior to reporting for work.

Given that Mr. Grassel had been employed with the Carrier for more than twenty-three (23) years and the length of time since his dismissal, we believe that discipline has served its purpose. However, before Mr. Grassel is returned to service, he must demonstrate substantial and satisfactory progress in the Employee Assistance Program.

AWARD

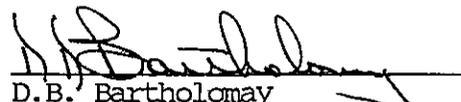
Discipline has served its purpose. Mr. Grassel shall be returned to employment without backpay but with service restored. Mr. Grassel shall not be re-employed until the Employee Assistance Counselor certifies that Mr. Grassel has made substantial and satisfactory progress in the Employee Assistance Program.



Ronald L. Miller
Chairman and Neutral Member



J.S. Gibbins
Carrier Member



D.B. Bartholomay
Organization Member

21 June 1988
Date