

PUBLIC LAW BOARD NO. 1582

PARTIES) ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY
TO)
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM: Carrier's decision to remove Illinois Division Welder Helper R. E. Oiler from service effective August 7, 1984, was unjust. Accordingly, Carrier should be required to reinstate Claimant Oiler with seniority rights unimpaired and compensate him for all wages lost from August 7, 1984.

FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was notified to attend an investigation July 25, 1984 at Fort Madison, Iowa, to develop the facts and place the responsibility, if any, concerning his allegedly reporting for work under the influence of an alcoholic beverage on July 5, 1984 at Fort Madison, Iowa, in possible violation of Rule G, General Rules for the Guidance of Employees, Form 2626 Std., as amended. Pursuant to the investigation the claimant was found guilty and dismissed from the service of the Carrier.

The evidence of record indicates that there was sufficient evidence for the Carrier to find that the claimant was guilty. The claimant was employed in 1978. On that basis the only issue remaining is whether or not permanent discharge is too severe.

The Board has examined the claimant's discipline record and finds that he has not been a model employee, to say the least. He was suspended fifty-five days for being absent from duty and late to work in 1981. There is no notation in the claimant's discipline record of a prior violation of Rule G. The evidence is clear and convincing that the claimant has had an alcohol problem. The evidence suggests that he may have been guilty of violating Rule G previously, but such is not established in the record. If such had been the case, the permanent discharge would stand.

The claimant herein has stated that he recognizes he is an alcoholic and has stopped drinking and is in a rehabilitation program. The Board has grievous doubts whether the program is sufficient or adequate to be successful. The claimant

did have a clear record for several months and, hopefully, he can become a good employee.

The Board must have grave reservations about reinstatement; however, it is the finding of the Board that the Carrier should grant one last opportunity to the claimant to perform his work in a satisfactory manner. The claimant should be aware that any pattern, such as being late to work or missing work, which might indicate the use of alcohol will justify permanent discharge.

The Carrier is directed to reinstate the claimant with seniority and other rights unimpaired but without pay for time lost and the above restrictions applicable.

AWARD: Claim sustained as per above.

ORDER: The Carrier is directed to comply with this award within thirty days from the date of this award.


Preston J. Moore, Chairman


Union Member

Dated at Chicago, Illinois
April 7, 1986


Carrier Member