

Award No. 3

Case No. 3

Docket No. MW-77-84

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Southern Pacific Transportation Company
-Texas and Louisiana Lines-

Statement of Claim 1. Carrier violated the effective agreement when it unjustly dismissed Track Laborer J. R. Citizen and failed to reinstate him after the hearing July 26, 1977.
2. Claimant J. R. Citizen be reinstated to his former position with pay for all time lost and with all seniority, vacation and other rights unimpaired.

Findings The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated May 22, 1978, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant, a Track Laborer for some five months on the Lake Charles Division, was dismissed from service by letter dated June 17, 1977, which, in pertinent part, stated:

"For reporting to work ten minutes late and using abusive and foul language to Roadmaster J. D. Leger and for having a heavy smell of alcohol on your breath all on June 15, 1977,.....

You are charged with violation of Rule 801....which reads as follows:

'Employees will not be retained in the service who are...
insubordinate....quarrelsome...'

Rule 802

'....Courteous deportment is required of all employees...
boisterous, profane or vulgar language is forbidden.'

Rule G

'The use of alcoholic beverages, intoxicants...by employees
subject to duty...or being under the influence thereof
while on duty or on Company property is prohibited.

'Employees shall not report for duty under the influence of....any drug, medication or other substance...that will in any way adversely affect their alertness, coordination, reaction, response or safety.'

Claimant asked for and was granted a hearing. As a result thereof Carrier concluded that Claimant was guilty of the charges.

The Board finds that Claimant was accorded a fair hearing.

Substantial credible and competent evidence was adduced to support Carrier's conclusions as to Claimant's guilt of all charges except that of Rule "G", which lacks sufficient supporting evidence. The charge of Rule "G" should be removed from Claimant's service record.

The Board finds, as to the discipline imposed, no cause on this record to alter same. This claim will be denied.

Award Claim denied.

M. A. Christie

M. A. Christie, Employee Member

R. W. Hickman

R. W. Hickman, Carrier Member

Arthur T. Van Wart

Arthur T. Van Wart, Chairman
and Neutral Member