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PUBLIC LAW BOARD NO. 2556

OFFICE OF VICE PRESIDENT
SOUTHEASTERN REGION

Award No. 16

Case No. 20
Docket No. MW-296

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Southern Railway Company
Georgia, Southern and Florida Railway Company

Statement
of Claim: Claim on behalf of R. M. Miller for reinstatement with
seniority and other rights unimpaired and pay for all
time lost subsequent to November 18, 1980; account
dismissed for violation of Rule G.

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 October 17, 1979, 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 long time MofW B&B Foreman, following an investigation was dismissed from service, as a result of violating Rule "G."

The Board finds Claimant was accorded the due process to which entitled under Agreement Rule 40.

There was sufficient evidence adduced, including Claimant's written admission (p. 25-26), to support Carrier's conclusion as to Claimant's guilt in violating Rule "G."

There were circumstances which serve to mitigate the discipline assessed. Claimant, who had over 36 years service, has now been out of service over one year; had voluntarily entered and apparently satisfactorily completed an alcoholic rehabilitation program. However, there is a cast of doubt on Claimant's subsequent progress. The Board will conditionally reinstate Claimant to service with all rights unimpaired but without any pay for time out of service, subject to the following conditions: Claimant is to pass the necessary return-to-service

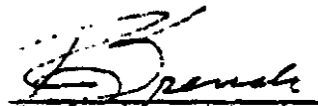
examinations; thereafter, Claimant is to review his performance and problem with Carrier's Employee Rehabilitation Counselor at Knoxville, Tennessee, and if the Counselor be satisfied, the Claimant is to enter a Local AA Program and attend their meetings with regularity for the duration of his one-year probationary status into which he is herewith placed, subject to any proper and reasonable reasons for any absence therefrom.

If these conditions of conditional reinstatement are not satisfactory to Claimant and he either affirmatively or, in the alternative, fails to accept and respond to these conditions within the 30-days after notification, his claim will be considered denied as of that time.

An Interim Award was rendered December 14, 1982 disposing of this case on the above conditions.

Award: Claim disposed of as per findings.


B. L. Hall, Employee Member


R. S. Spenski, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued April 19, 1983.