

PUBLIC LAW BOARD - NO. 3514

Case 50

Award 50

PARTIES Consolidated Rail Brotherhood of Maintenance
to Corporation and of Way Employees
DISPUTE:

STATEMENT OF CLAIM: That Trackman R. Angersback was unjustly dismissed from the service, and that he be reinstated to service with seniority rights and other benefits unimpaired and with compensation for all time lost while out of service.


FINDINGS: In this dispute, the Carrier, pursuant to an investigation, dismissed the Claimant for a violation of Rule G.

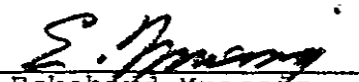
The Carrier relied upon the testimony at the hearing to conclude that the Claimant was observed by its officials to be behaving in a manner, which it maintains, is associated with a person under the influence of alcohol.

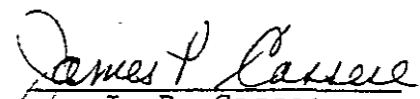
The Board has examined the transcript of record and finds that the evidence is clear and convincing that the Claimant is guilty of the charge as contended by the Carrier. This is the second offense of this nature by the Claimant within a three-month period. Under the circumstances here, there is no justification to overrule the decision of the Carrier.

AWARD

The claim is denied.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

APR 11 1985