

PUBLIC LAW BOARD - NO. 3514

Case 54

Award 54

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 of the Carrier as a result of a hearing held on September 22, 1981, and that he be reinstated to service with seniority rights and other benefits unimpaired and compensation for all lost time.

FINDINGS: In this dispute, the Claimant was dismissed for violating Rule G. The testimony at the hearing established that he was in possession of alcoholic beverages while subject to duty. Moreover, the Claimant testified that he had a problem with alcoholic consumption, thus providing substance to the basic charge levied by the Carrier.

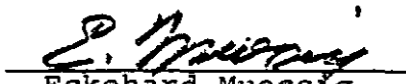
While there are indications in the record that the Claimant has taken steps to obtain treatment for his alcoholism problems, these are factors to be considered by the Carrier and, under the facts and circumstances of this record, are not properly before us for our consideration.

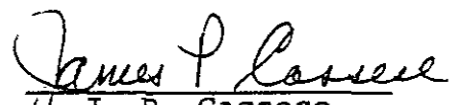
The Board cannot find, under the evidence here, that the Carrier has been unreasonable or unjust. The evidence supports the charge. Accordingly, there is no support for the claim.

AWARD

The claim is denied.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

APR 11 1985