

Public Law Board No. 3794

Parties to Dispute:

Brotherhood of Maintenance
of Way Employees

and

Seaboard System Railroad

Statement of Claim:

1. The 60-day suspension imposed upon Trackman M. Jordan for alleged violation of Rule G was without just cause.

2. The Claimant's record shall be cleared of the charges leveled against him and he shall be compensated for all wage loss suffered.

Findings:

Claimant, an employee with 5½ years service, did not report for his assignment on September 25, 1984. His absence was due to the fact that he had been held in jail after having been arrested and incarcerated for driving under the influence of alcohol.

Carrier's finding that discipline is warranted in this situation is supported by the record.

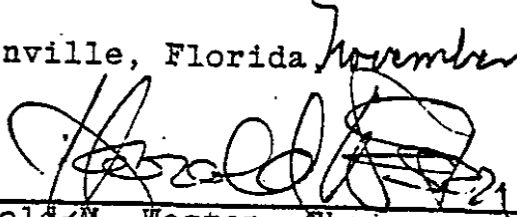
In determining the measure of discipline it was appropriate for Carrier to take his prior record into consideration. That record shows that he had previously - in April 1982 - been dismissed for being intoxicated and unruly. He was reinstated on that occasion on a leniency basis.

No persuasive reason is perceived for setting aside or reducing the 60-day suspension imposed on Claimant in the present case.

The fact that he was off duty when arrested does not call for a contrary conclusion.

Award: Claim denied.

Adopted at Jacksonville, Florida, *November 6* 1985.



Harold M. Weston, Chairman



Carrier Member



Employee Member