

Public Law Board No. 3794

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
CSX Transportation, Inc.

STATEMENT
OF
CLAIM:

The dismissal of Fuel Truck Operator L. R. Carter was without just cause and he should be reinstated with all rights unimpaired and full back pay.

FINDINGS:

Claimant was dismissed for being on duty under the influence of intoxicants and for using a company credit card to obtain \$50 cash for his own personal use and purposes.

Carrier's findings are supported by substantial credible evidence. Claimant's testimony is that he consumed a half gallon of scotch between 2 a.m. and 3 a.m. on the same morning he reported to his 7 a.m. truck driving assignment. A blood alcohol test administered by Memorial Hospital at Bainbridge, Georgia, later that day, at 3:30 p.m., showed him to have a 0.22% blood alcohol level.

The record clearly establishes that, by use of a Company credit card, claimant obtained \$50 cash

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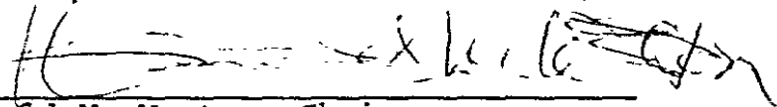
for his own personal use.

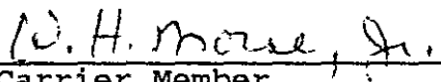
Nothing in this record provides any basis for compelling Carrier to retain claimant in its employ against its will. The claim is without merit.

AWARD:

Claim denied.

Adopted at Jacksonville, Florida, March 17, 1987.


Harold M. Weston, Chairman


Carrier Member


Employee Member

