

Award No. 162
Case No. 164

PUBLIC LAW BOARD NO. 4244

**ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.
AND
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**

STATEMENT OF CLAIM: Carrier's decision to remove former Southern Region Seniority District No. 2 Trackman Joe Alexander from service, effective July 7, 1994, was unjust.

Accordingly, Carrier should be required to reinstate Claimant Alexander to service with his seniority rights unimpaired and compensate him for all wages lost from July 7, 1994.

FINDINGS: This Public Law Board No. 4244 (the "Board") finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended. Further, the Board has jurisdiction over the parties and the subject matter involved.

In this dispute former Southern Region Trackman Joe Alexander (the "Claimant") was notified to attend a formal investigation on June 22, 1994, concerning his alleged being under the influence of alcohol on June 9, 1994, in possible violation of Rules B and G of the Carrier's Safety and General Rules for All Employees. The investigation was held on July 7. As a result of the investigation, the Carrier determined that the Claimant violated the cited rules, and he was removed from service.

Assistant Roadmaster R. B. Ince testified that another member of the work gang informed him prior to the start of work on June 9, that the Claimant had been drinking all night. Ince then approached the Claimant to discuss the matter and observed that the Claimant was still intoxicated. He stated that the Claimant could hardly walk or talk. Foreman F. H. Moffit corroborated Ince's testimony and offered his testimony confirming his personal observation of the Claimant.

The record also showed that the Claimant admitted at the formal investigation that when he reported for duty on June 9, he was under the influence of alcohol.

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It is clear from the record that the Claimant violated Rules B and G when he reported for duty under the influence of alcohol on June 9. A Rule G violation is a serious offense, and an employee's removal from service is not excessive discipline. In view of the fact that this incident was the Claimant's third Rule G offense, and the fact that the Claimant was reinstated on a leniency basis in 1992, following his second Rule G violation, the Board finds that the Claimant's removal from service was proper.

AWARD: Claim denied.



Alan J. Fisher
Chairman and Neutral Member



C. F. Foose
Organization Member



Lyle L. Pope
Carrier Member

Dated: August 4, 1995
Schaumburg, Illinois