

Award No. 79
Case No. 84

PUBLIC LAW BOARD NO. 4244

PARTIES) ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.
TO THE) AND
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

STATEMENT OF CLAIM: Carrier's decision to remove former Arizona Division Trackman J. White from service, effective March 25, 1991, was unjust.

Accordingly, Carrier should now be required to reinstate the Claimant White to service with his seniority rights unimpaired and compensate him for all wages lost from March 25, 1991.

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.

The record shows that former Arizona Division Trackman J. White (the "Claimant") had been removed from Carrier service previously but reinstated on May 19, 1989 on a leniency basis without pay for time lost subject to five (5) conditions. One such condition, Item 2., required that the Claimant abide by the Carrier's rules regarding the use of alcoholic beverages, narcotics and controlled substances. Further, if the Claimant failed to comply with any of the five conditions of reinstatement, the Claimant would be removed immediately from service without a formal investigation. The Claimant agreed to the leniency reinstatement on June 6, 1989.

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The evidence of records shows that on March 21, 1991, the Claimant reported to work under the influence of alcohol in violation of Rule G of the Carrier's Safety and General Rules for All Employees. Such conduct was also in direct violation of Item 2. of the leniency reinstatement. Thus, the Carrier removed the Claimant from service.

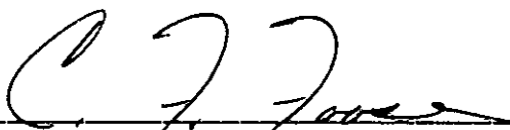
The Board finds that the Carrier's handling of this matter was consistent with the agreed leniency reinstatement. Accordingly, there is no basis to set aside the Carrier's decision. The Board's decision in this regard is consistent with its previous awards.

AWARD: Claim denied.



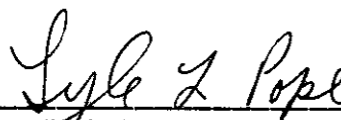
Alan J. Fisher

Chairman and Neutral Member



C. F. Foote

Organization Member



Lyle L. Pope

Carrier Member

Dated:

June 28, 1991
Schaumburg, Illinois