

AWARD NO. 28
Case No. 28

PUBLIC LAW BOARD NO. 4338

PARTIES) UNION PACIFIC RAILROAD COMPANY
TO)
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM:

1. The discipline/dismissal assessed System Gang Laborer Billy Yazzie SSN, 527-28-8832 for alleged violation of various company rules as indicated in Mr. T. J. Worthington's letter of August 8, 1988 was arbitrary, capricious and unwarranted.

2. The claimant's record shall be cleared of the discipline referred to in Part (1) hereof and he shall be compensated for all time lost.

FINDINGS: This Public Law Board No. 4338 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

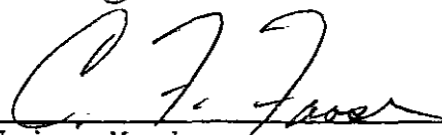
In this dispute the claimant was charged with being on Company property on June 25, 1988 under the influence of alcoholic beverages.

The Board has studied the transcript of investigation. The claimant stated that he was drunk on June 25 at approximately 8:00 a.m. on Company property. The evidence establishes that the claimant had been previously suspended for being intoxicated and in possession of alcoholic beverages on Company property.

On April 20, 1988 the claimant had been released to return to work under the provisions of Rule G By-Pass. Approximately two months later the claimant was admittedly guilty of the instant violation. Under the circumstances there is no justification to overrule the decision of the Carrier.

AWARD: Claim denied.


Preston J. Moore, Chairman


Union Member

