

AWARD NO. 29
Case No. 29

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 employee Mr. J. Goy for alleged violation of various company rules as indicated in Mr. T. J. Worthington's letter of August 8, 1988, was procedurally defective as well as arbitrary, capricious and unwarranted.

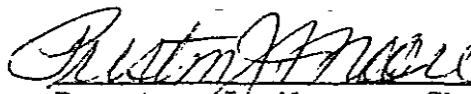
(2) The claimant's record shall be cleared of the discipline referred to in Part (1) and he shall be compensated for all time lost.


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 under the influence of alcoholic beverages while on Company property on June 25, 1988. The Board has studied the transcript of record and finds there was evidence that the claimant was under the influence of alcoholic beverages while on Company property.


Normally or usually the claimant might be reinstated if he had testified he understood the seriousness of the offense and indicated to the Carrier that such would not occur again. Under the circumstances herein the claimant made no such statement, and there is no justification to overrule the decision of the Carrier.

AWARD: Claim denied.


Preston J. Moore, Chairman


Union Member

February 3, 1989


Carrier Member