

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

BURLINGTON NORTHERN RAILROAD COMPANY

STATEMENT OF THE CLAIM

1. The dismissal of Machine Operator D.D. Blomberg for alleged violation of Rule 'G' was excessive and an abuse of discretion (System File S-P-313C/AMWB 84-11-06).
2. The Claimant shall be reinstated with seniority and all other rights unimpaired, his record shall be cleared of the charge leveled against him and he shall be compensated for all wage loss suffered.

FINDINGS OF THE BOARD

On January 18, 1984, the Claimant, Mr. Donald D. Blomberg was assigned to a machine operator's position. During the course of work that day, Mr. Blomberg was observed by one of the Carrier's special agents to be unsteady on his feet and to emit an odor of alcohol. Subsequently, Mr. Blomberg admitted that he had consumed alcohol during a time he was under pay. Mr. Blomberg was dismissed from employment with the Carrier for violation of Rules 565 and 566 (being under the influence of alcohol while on duty and on company property). Following his dismissal, Mr. Blomberg enrolled in the Carrier's Employee Assistance Program. However, he did not successfully complete the rehabilitation program and consequently the E.A.P. counselor did not recommend Mr. Blomberg's reinstatement.

Mr. Blomberg now contends that he has overcome his addiction, and asks that he be given an opportunity to demonstrate his commitment to a new life style. The Organization argues that special consideration should be given to Mr. Blomberg's twenty-seven (27) years of good service with the Carrier.

We believe that Mr. Blomberg's efforts to salvage his health and his career warrant a last chance opportunity. If Mr. Blomberg has been rehabilitated, discipline would then have served its purpose. Because of Mr. Blomberg's difficulties in the past in adhering to the conditions of the E.A.P., we find it prudent that he serve a one (1) year probationary period if and when he is certified by the E.A.P. counselor to return to employment.

AWARD

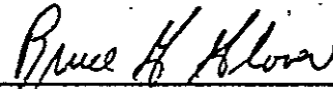
Upon certification by the E.A.P. counselor, Mr. Blomberg shall be returned to employment with the Carrier, with seniority and other rights unimpaired, but without any compensation for time lost while out of service. For a twelve (12) month period following his reinstatement, Mr. Blomberg shall serve a probationary period under conditions specified by the E.A.P. counselor.



Ronald L. Miller
Chairman and Neutral Member



Maxine Timberman
Carrier Member



Bruce G. Glover
Organization Member

165 July 1988
Date