

AWARD NO. 25  
CASE NO. 25

PUBLIC LAW BOARD NO. 5392

PARTIES )  
TO )  
DISPUTE )

BROTHERHOOD OF LOCOMOTIVE ENGINEERS  
CSX TRANSPORTATION, INC.

STATEMENT OF CLAIM

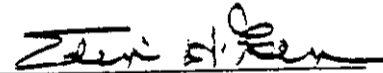
Clam of Engineer J. R. Mitchell, ID# 173103, for return to service, entry of discipline assessed (dismissal) on April 10, 1997 be removed from his discipline record; and that he be paid for time lost as a result of the discipline assessed subsequent to the investigation conducted on March 12, 1997 for violating Operating Rule 501, part 4 relating to the incident of February 6, 1997 at Savannah, GA.

OPINION OF BOARD

Substantial evidence supports the Carrier's decision to discipline Claimant for insubordination for failing to give sufficient breath for a breathalyzer test. However, under all of the circumstances, dismissal was excessive. Claimant shall be returned to service, subject to the usual return to duty examinations. Claimant shall not be entitled to compensation for time lost.

AWARD

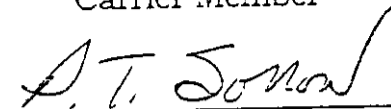
Claim sustained in accord with the opinion.



Edwin H. Benn  
Neutral Member



Carrier Member



Organization Member

Jacksonville, Florida

Dated: 1/21/98