

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 507

Docket No. 507
File 900634

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Union Pacific Railroad Company
 (Former Missouri Pacific)

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12,
when Trackman R. Bahe was dismissed on June 19, 1991.

(2) Claim on behalf of Mr. Bahe for wage loss suffered,
until reinstated with seniority, vacation and all other
rights unimpaired.

Findings: The Board has jurisdiction of this case by reason of the
parties Agreement establishing this Board therefor.

The Claimant, Laborer R. Bahe, following a formal
investigation on the charge of:

"Being under the influence of intoxicants while on Company
property on Company time on June 8, 1990..."

was found to be culpable. He was discharged from service as
discipline therefor.

Claimant was accorded the due process to which entitled
under Rule 12.

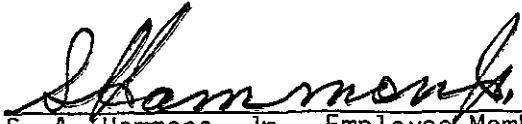
There was sufficient evidence adduced including the
admissions against interest by the Claimant, to support the
Carrier's conclusion of Claimant's culpability. The record
clearly reflects that there was an admission of drinking
alcohol before coming to work, that there was an observation
of the Claimant walking irregularly and stumbling, that he
smelled of alcohol and had slurred speech, as well as his
supporting admissions. The unbiased observations and the
Claimant's admissions provided proof positive.

Notwithstanding, there was cause to conclude that the
Claimant should and will be provisionally reinstated to
service with all rights unimpaired, but on a probationary
basis, providing that he completes the EAP program and that
the Claimant reports within 30 days after being notified
thereof. The Claimant's failure to so report will be
considered as his rejection of this last chance opportunity.

Thus, the rejection will be cause to conclude a denial of this claim and he will remain dismissed without the need or necessity of holding an investigation.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.


S. A. Hammons, Jr., Employee Member


R. O. Rock, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued March 24, 1992.