

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 110  
Docket No. 117

PARTIES: Brotherhood of Maintenance of Way Employees  
TO :  
DISPUTE: Chicago and North Western Transportation Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

- (1) The dismissal of A. Nailing for alleged violation of Rule G was without just and sufficient cause, unwarranted and unproven. [Organization File 9KB-4145; Carrier File 81-86-54]
- (2) Claimant A. Nailing shall be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered."

FINDINGS:

This Board, upon the whole record and all the evidence, finds and holds that the employees and the Carrier involved are respectively employees and Carrier within the meaning of the Railway Labor Act as amended and that the Board has jurisdiction over the dispute herein.

On November 14, 1985, while assigned as a trackman on a tie gang, Claimant approached the roadmaster and assistant roadmaster and informed them that he was feeling ill. The supervisors sent Claimant to the company bus, then discussed the matter and agreed that Claimant may have been under the influence of drugs or alcohol. The two supervisors went to the bus and asked Claimant to submit to blood testing and urinalysis; Claimant refused. Claimant subsequently was directed to attend a formal investigation of the charge:

To determine your responsibility in connection with your violation of Rule G and Rule G addition of the General Regulations and Safety Rules on November 14, 1985.

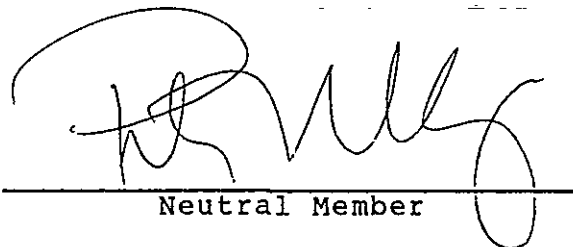
After a postponement, the hearing was held on December 11, 1985, and a copy of the transcript has been made a part of the record. We find that the investigation was conducted in a fair and impartial manner.

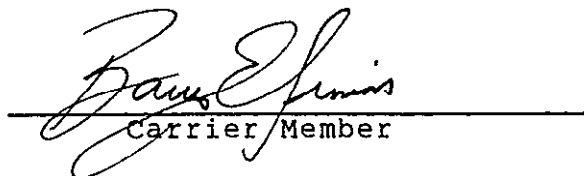
This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of the Rule G violation.

Once this Board has determined that there was sufficient evidence to support the guilty finding, we next turn our attention to the type of discipline imposed. This Board will not normally set aside a carrier's imposition of discipline unless we find it to be unreasonable, arbitrary, or capricious. Given the nature of the offense and the background of the Claimant, we find nothing unreasonable about the termination of the Claimant. Therefore, the claim must be denied.

Award:

Claim denied.

  
Neutral Member

  
Carrier Member

  
Organization Member

Date: April 13, 1988