

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 112
Docket No. 119

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 B&B Carpenter T.L. Steffen for alleged violation of Rule G was without just and sufficient cause and on the basis of unproven charges. [Organization File 4SW-1100 D; Carrier File 81-86-104 D]
- (2) B&B Carpenter Steffen 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.

At about 9:00 a.m. on April 15, 1986, Claimant's supervisor allegedly detected the odor of alcohol on Claimant's breath. Claimant performed a field sobriety test, then submitted to a blood alcohol test, which showed an alcohol content of .073. Claimant subsequently was directed to attend a formal investigation of the charge:

Your responsibility for violation of Rule G and Rule G (Addition) of the General Regulations and Safety Rules while on duty at Trenton, Missouri, at approximately 9:00 A.M. on April 15, 1986.

The investigation was held as scheduled, 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.

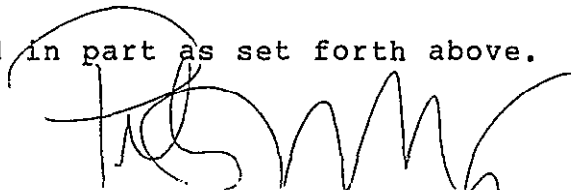
This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of a Rule G violation. Not

only was there a great deal of Carrier evidence to that effect, but the Claimant admitted that he was in violation of the rule.


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 on the Claimant. This Board will not set aside a carrier's imposition of discipline unless we find it to be unreasonable, arbitrary, or capricious. In this case, the Claimant had nearly 16 years of service with no serious discipline, other than absenteeism. The record also reflects that the Claimant admitted his wrongdoing and apparently realized the seriousness and extent of his problems. We therefore find that discharging the Claimant was unreasonable, and we order that he be returned to service with the period that he has been off to be considered a lengthy suspension. We also order that the Claimant be required to attend some type of alcoholism counseling as part of his continuing rehabilitation. Moreover, we order, as a condition precedent to his continued employment, that Claimant agree to totally abstain from alcohol and remain in the alcohol rehabilitation program until that program finds that he no longer must continue.

Award:


Claim sustained in part as set forth above.



Neutral Member



Carrier Member



Organization Member

Date: April 13, 1988