

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 115
Docket No. 122

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 Trackman Jorge Marquez for alleged violation of Rule G was without just and sufficient cause, excessive and in violation of the Agreement. [Organization File 9KB-4225 D; Carrier File 81-87-19]
- (2) Trackman Jorge Marquez shall now be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered."

FINDINGS:

Claimant Jorge Marquez was employed as a trackman by Carrier on the North Line of the Suburban Division. On August 19, 1986, Roadmaster Swedberg detected the odor of alcohol on Claimant's breath during Claimant's tour of duty. Two breathalyzer tests administered to Claimant between approximately 2:40 and 3:00 p.m. showed blood alcohol ratios of 0.11 and 0.10, respectively. Claimant subsequently was directed to attend an investigation of the charge:

Your responsibility in connection with violation of Rule G of the General Regulations and Safety Rules while on Company property at Winnetka, Illinois, August 19, 1986.

After a postponement, the hearing was held on September 25, 1986. As a result of the hearing, Claimant was dismissed from service. The Organization thereafter filed a claim on Claimant's behalf, challenging his dismissal.

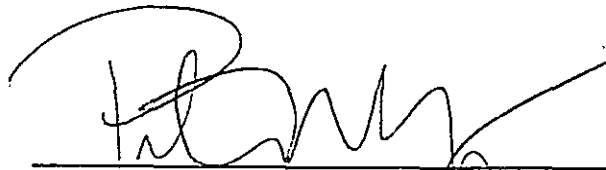
This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of a Rule G violation. The test results confirmed the Claimant's guilt, as well as his admission

that he violated Rule G.

Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. Although this Board will sometimes allow an individual to be returned to service if he enters an alcohol rehabilitation program, this Claimant has not shown an inclination to solve his problem. Therefore, the claim must be denied.

Award:

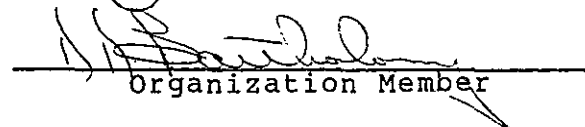
Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: May 18, 1988