

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 43
Docket No. 47

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 D. C. Stephen for alleged violation of Rule G and Rule G Addition was without just and sufficient cause and on the basis of an unproven charge. (Organization File 4D-4411; Carrier File 81-84-147-D).
- (2) Claimant D. C. Stephen shall be allowed the remedy prescribed in Rule 19(d)."

FINDINGS:

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

On December 27, 1983, claimant was employed as a trackman at Cedar Rapids, Iowa, having come on duty at 7:30 A.M. Sometime after returning to work from lunch, claimant and another employee (involved in another dispute before this Board) collapsed in front of their vehicles, which were parked in the Company parking lot. The two employees were found about 3:00 P.M., taken to a hospital, at which time the other employee involved allegedly told the attending physician that he and claimant had been sniffing PCP (Phencyclidine, an hallucinogen commonly referred to as "Angel Dust"). A subsequent urine test revealed the presence of Strychnine, a poison which we understand produces a stimulant effect, and is commonly used in connection with illegal drugs. On January 4, 1984, claimant was notified to appeal for hearing, scheduled for January 11, 1984, on the charge:

"Your responsibility for violation of Rule G and Rule G Addition while on Company property at Cedar Rapids, Iowa on the afternoon of December 27, 1983."

The investigation, or hearing, was postponed and rescheduled for February 1, 1984, at which time claimant was present, represented, and had a witness present in his behalf.

Carrier's Rule E and Rule G Addition, referred to in the letter of charge, pertaining to the use of alcoholic beverages, intoxicants, narcotics or other controlled substances, were read into the record of the hearing and need not be repeated here.

A transcript of the rather lengthy hearing conducted on February 1, 1984, has been made a part of the record. Following the investigation, claimant was notified on February 6, 1984, of his dismissal from service.

We have carefully reviewed the transcript of the hearing, and find substantial evidence in support of the charge against claimant. Claimant's testimony in the investigation simply is not credible.

The claim will be denied.

A W A R D

Claim denied.

Paul C. Carter
Chairman, Neutral Member

J. D. Crawford
Carrier Member

H. G. Harper
Labor Member

DATED: May 29, 1985.