

Award No. 299
Case No. 299
System Docket No. MW-1066

SPECIAL BOARD OF ADJUSTMENT NO. 976
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES ..

VS.

CONSOLIDATED RAIL CORPORATION


STATEMENT OF CLAIM:

Appeal of dismissal assessed S. A. McCulloch on October 31, 1989, in connection with being charged with violation of Rule G and Safety Rules 3010 and 3335, when he was involved in a vehicle accident while driving a Conrail vehicle without a valid driver's license.

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this Board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

AWARD: Claim disposed of as follows: There is sufficient evidence to support carrier's conclusion that claimant was guilty as charged. However, the Board has been made aware that he has sought help regarding his alcohol problem, thus, in light of his remedial effort and his 12 years of discipline free service, we have determined that he should be afforded another opportunity to be a reliable employee. Therefore, claimant is to be restored to service but without compensation for time lost. This restoration is conditioned that he enroll and satisfactorily participates in the Carrier's Employee Counselling Service Program until released.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 9 day of November, 1990.