

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 420

Docket No. 420  
File 890196

Parties     Brotherhood of Maintenance of Way Employees  
to             and  
Dispute     Union Pacific Railroad Company  
              (Former Missouri Pacific Railroad Company)

Statement

of Claim: (1) Claim on behalf of Work Equipment Mechanic H. B. Deaton, Sr., SSN:329-48-7010, account his December 28, 1988 dismissal from service as a result of being under the influence of an intoxicant while on company property and in the Company vehicle at approximately 10:30 AM on November 19, 1988.

Findings: The Board has jurisdiction of this case by reason of the parties Agreement establishing this Board therefor.

The record in this case reflects that the Claimant was accorded the due process to which entitled. There was sufficient, substantial evidence on the record, including the admissions of Claimant, to support Carrier's conclusion of culpability of a violation of Rule G.


Rule G is a most serious offense and warrants severe discipline. The Claimant's past indifference to the Company's Employee Assistant Program does not act to shed a good light on his behalf. Notwithstanding, the Board is willing to give Claimant a last chance opportunity to once again become a productive member of Carrier's work force. Therefore, providing that Claimant meets with a Company EAP Counselor, within 30 days of the date that Carrier notifies him to so report to commit himself to an appropriate rehabilitation program; and provided further that thereafter he secures the EAP Director's return-to-service recommendation and he passes the usual return-to-service physical examination(s), the Claimant will be conditionally restored to service with all seniority, vacation and other rights unimpaired. The Claimant must maintain a continuing obligation to successfully complete his prescribed program.

The Board will retain jurisdiction of this matter. Should Claimant H. B. Deaton, Sr., fail to avail himself of this opportunity by meeting the conditions precedent to his re-entering Carrier's work force, set forth above, after being afforded a reasonable time to do so, then Claimant will revert to the status of a dismissed employee, without further proceedings. The Board will, at that time, enter

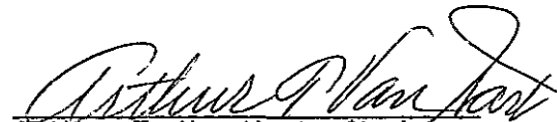
a denial award upholding his permanent dismissal from Carrier service. In the circumstances, the petitioner's claim for all wage loss suffered is denied.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.

  
S. A. Hammons, Jr., Employee Member

  
D. A. Ring, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued November 26, 1990