

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 111
Docket No. 118

PARTIES: Brotherhood of Maintenance of Way Employes

TO :

DISPUTE: Chicago and North Western Transportation Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

- (1) The dismissal of Assistant Track Foreman R.S. Cisney for alleged violation of Rule G was without just and sufficient cause and on the basis of unproven charges. [Organization File 6LF-2097; Carrier File 81-86-11-D]
- (2) Claimant 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 7:00 a.m. on August 27, 1985, Claimant's foreman allegedly detected the odor of alcohol on Claimant's breath. Claimant then successfully completed a field sobriety test; he also submitted to blood alcohol and urine tests, which showed a blood alcohol content of .17. Upon Claimant's permission, Claimant's supervisors searched his car and found empty beer cans. Claimant subsequently was directed to attend a formal investigation of the charge:

Your responsibility, if any, for violation of Rule G of the General Regulations and Safety Rules, effective June 1, 1967, while on duty and on Company property at South Morrill, Nebraska, on Tuesday, August 27, 1985, while assigned as Assistant Track Foreman headquartered at South Morrill, Nebraska.

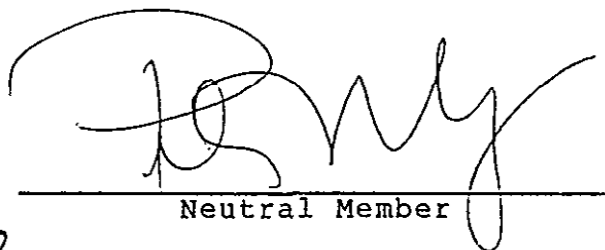
The investigation was held as scheduled, and a copy of the transcript has been made a part of the record. We find that the investigation was conducted in a fair and impartial manner.

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 the Rule G violation.

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. This Board will not normally set aside a carrier's imposition of discipline unless we find it to be unreasonable, arbitrary, or capricious. Given the nature of the offense and the background of the Claimant, we find nothing unreasonable about the termination of the Claimant. Therefore, the claim must be denied.

Award:

Claim denied.


Neutral Member


Carrier Member


Organization Member

Date: April 13, 1988