

SPECIAL BOARD OF ADJUSTMENT NO. 924

Award No. 45
Docket No. 55

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 R. J. Sentelik 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-4412; Carrier File 81-84-148-D).
- (2) Claimant R. J. Sentelik 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.

Claimant was employed by the Carrier as a trackman at Cedar Rapids, Iowa. On December 27, 1983, claimant and another employee, Dennis Stephen (claimant in Award No. 43) left the property for lunch. Sometime after they returned from lunch, they both collapsed in front of their vehicles in the Company parking lot. They were found about 3:00 P.M., taken to a hospital, at which time claimant allegedly told the doctor that he and the claimant in Award No. 43, had been sniffing some white powder which he thought was PCP (Phencyclidine, an hallucinogen commonly referred to as "Angel Dust"). A subsequent urine test indicated the presence of Strychnine, a poison which we understand provides a stimulating effect and is frequently combined with illegal drugs. Claimant was instructed, on January 4, 1984, to appear for hearing on 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 and represented.

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

A transcript of the hearing, or investigation, 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 the claimant. Claimant's testimony in the hearing 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. Hopper
Labor Member

Dated: May 29, 1985.