

Award No. 225

Case No. 228

System Docket No. CR-3339-D

SPECIAL BOARD OF ADJUSTMENT NO. 976

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:


Appeal of dismissal assessed S. E. McMillan on November 25, 1987, in connection with being charged with violation of Safety Rule 3010 and Rule G of the Rules of the Transportation Department.

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:

The evidence is clear, as acknowledged by the claimant's own testimony, that he was guilty as charged. However, the Board has been made aware that he has sought help regarding his alcohol problem, and has been actively involved in the Company's Employee Counseling Program and elsewhere and, is judged worthy of their recommendations. Accordingly, in view of his remedial effort, claimant shall be restored to service but without pay for all lost time. Further, claimant is put on notice that his restoration is on a last chance basis.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 14 day of December, 1988.