

Award No. 316
Case No. 316
System Docket No. MW-1611

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

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of dismissal assessed J. J. Kratz on January 3, 1991, in connection with being charged with the following:


1. Unauthorized use of Company vehicle.
2. Failure to properly operate Company vehicle in accordance with New Jersey State Laws.
3. Conduct unbecoming a Conrail employee in that he violated New Jersey State Codes while driving Conrail vehicle under the influence of alcohol.


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 record shows that claimant is guilty of the offense and discipline was clearly warranted. However, the record also shows that he has 13 years of discipline free service and has showed this Board that he has sought remedial help regarding his alcohol problem, thus, this Board is persuaded to afford him one last opportunity to be a reliable employee and will restore him to service without pay.

Prior to his return to service, the employee must contact the Carrier's Employee Counselor and obtain approval for return to service which shall include his continued participation in the Carrier's Drug and Alcohol Program as determined by the Employee Counselor. It is understood that this Award is not to be used as a precedent in any future case.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 13 day of September, 1991.