

The Third Division consisted of the regular members and in addition Referee Charlotte Gold when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Southern Pacific Transportation Company (Western Lines))

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Pacific Transportation Company (Western Lines):

Claim on behalf of J. P. Walton for reinstatement to service with all lost wages and benefits restored, beginning January 14, 1987 and continuing until this dispute is settled, account of Carrier violated the current Signalmen's Agreement, as amended, particularly Rule 59, when it failed to give him a fair and impartial hearing on December 29, 1986." Carrier file SIG-0-86-W.

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Following an Investigation held on January 6, 1987, Claimant, who had entered Carrier's service on March 13, 1973, was dismissed from the Carrier's employ. He was found to have been absent without authorization on September 25, 1986, in violation of Rules 604 (Duty-Reporting or Absence) and 607 (Conduct). September 25 was the day prior to the time that Claimant was to begin a ten-day suspension for a previous Rule 604 violation.

The record reveals that Claimant was an alcoholic, who had made attempts to rehabilitate himself before. It also reveals that an offer was made to him, and rejected, to return to work on a conditional basis. From a review of this case, it is apparent that Claimant would have done well to have accepted that offer. As a consequence, we shall return Claimant to work, with full seniority and all rights intact but without backpay, conditioned on his entering an authorized Carrier Employee Assistance Program.

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Award No. 28076
Docket No. SG-28327
89-3-87-3-878

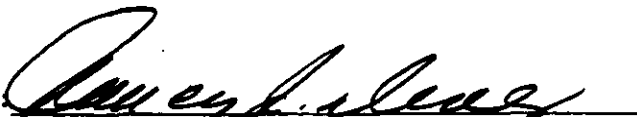
Although numerous procedural issues have been raised in this case, we see no reason to reach them in this instance.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 11th day of September 1989.