

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 1836

Heard at Montreal, Thursday, 13 October 1988

Concerning

### CANADIAN NATIONAL RAILWAY COMPANY

And

### CANADIAN BROTHERHOOD OF RAILWAY, TRANSPORT AND GENERAL WORKERS

#### DISPUTE:

Appeal the discipline of 25 demerit marks assessed the record of Mr B. Begal, Winnipeg, for his violation of CN Equipment Department Rule 26a, use of intoxicants while subject to duty, on March 29, 1985.

#### JOINT STATEMENT OF ISSUE:

On 29 March 1985 Mr. Begal was scheduled to work his regular assignment as Engine Watchman 2400-0800 shift. At approximately 0430 on 29 March 1985 a Supervisor found Mr. Begal asleep on a bench in the trip pit locker room.

During the investigation into the incident, Mr. Begal admitted to being in a local bar and to consuming at least five alcoholic drinks within three hours of the time he was scheduled to report for duty. As a result of his consuming alcohol while subject to duty, Mr. Begal's record was assessed 25 demerits for "Violation of Rule 26a Use of Intoxicants."

The Union contends that Mr. Begal did not intend to report for work, that he attempted to book off prior to his shift and that, as he had not punched in at the time clock, he had in fact not reported for duty. The Union therefore requested that the 25 demerits be removed from Mr. Begal's record.

The Company has declined the Union's request.

#### **FOR THE BROTHERHOOD:**

#### **FOR THE COMPANY:**

**(SGD.) TOM MCGRATH**  
NATIONAL VICE-PRESIDENT

**(SGD.) W. W. WILSON**  
FOR: ASSISTANT VICE-PRESIDENT, LABOUR RELATIONS

There appeared on behalf of the Company:

G. Wheatly	- Manager, Labour Relations, Montreal
S. F. McConville	- Labour Relations Officer, Montreal
D. C. Coughlin	- Manger, Labour Relations, Winnipeg
E. Poudrette	- CN Police Constable, Winnipeg
L. J. Spitznagel	- General Foreman (Retired), Winnipeg
A. Quraishi	- Foreman, Winnipeg

And on behalf of the Brotherhood:

A. Cerilli	- Regional Vice-President, Winnipeg
B. Begal	- Grievor

#### **AWARD OF THE ARBITRATOR**

For the reasons related in **CROA 1837**, this grievance must be dismissed.

OCTOBER 14, 1988

**(Sgd.) MICHEL G. PICHER**  
ARBITRATOR