

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers
(Southern Pacific Transportation Company (Western Lines)

STATEMENT OF CLAIMS:

1. That under the current Agreement, Mechanical Department Electrician G. E. Barbour was unjustly treated when he was dismissed from service on November 14, 1986, following investigation for alleged violation of Rule "G" of the General Rules and Regulations of the Southern Pacific Transportation Company (Western Lines).

2. That accordingly, the Southern Pacific Transportation Company be ordered to restore Electrician G. E. Barbour to service with all rights unimpaired, including service and seniority, vacation, payment of hospital and medical insurance, group disability insurance, railroad retirement contributions, and loss of wages; including interest at the rate of ten percent (10%) per annum.

FINDINGS:

The Second 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.

On January 15, 1986, Claimant entered into a Letter Agreement accepting a 22 working day suspension in connection with an earlier alleged violation of Rule G. In that Agreement Claimant, among other things, agreed to totally abstain from alcohol and other drugs for a period of one year and to submit to random unannounced alcohol and/or drug tests during that time. The Agreement was concurred in by a representative of Claimant's Organization.

On September 30, 1986, Claimant underwent a random urinalysis test with a positive result for marijuana. On the basis of this indication, Claimant was notified to attend a formal Investigation, after which he was dismissed from service.

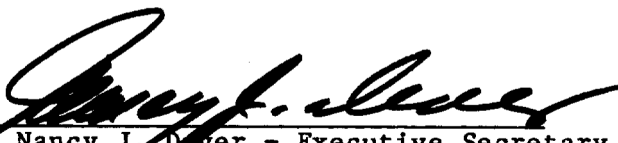
We have examined the transcript of the Investigation and find that adequate evidence was developed to establish that Claimant failed to abide by the terms of the special Letter Agreement which he had freely entered into on January 15, 1986. The evidence submitted in mitigation is not persuasive so as to alter Carrier's determination of discipline. The dismissal will not be disturbed.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of July 1989.