

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

(Brotherhood of Maintenance of Way Employees  
PARTIES TO DISPUTE: (  
(St. Louis Southwestern Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The dismissal of Speed Swing Operator W. C. Thompson for alleged violation of Rule 'G' on July 18, 1985, was arbitrary, capricious and on the basis of unproven charges (System File SSW-D-1198/53-858).

(2) The claimant's personal record shall be cleared of the charge leveled against him, he shall be reinstated with seniority and all other rights unimpaired and he shall be compensated for all wage loss suffered."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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.

The Claimant submitted to a drug screen test on July 18, 1985. Carrier alleged that the results showed a level of 200 NG/ML Cannabinoids in his urine sample. Claimant was withheld from service and cited with a violation of Rule G of the Rules and Regulations for the Government of Maintenance of Way Employees. Following an investigation on August 20, 1985, at which Claimant acknowledged that he had used marijuana, although not recently, Carrier sustained the charge and dismissed Claimant from service.

From our review of the record, it appears that the tests conducted on Claimant's sample were performed in a proper manner. The sample was first found to be positive by the National Health Lab. This finding was later confirmed by the National Medical Services through the performance of a GC/MASS SPEC test.

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88-3-86-3-736

The record indicates that Claimant was provided with all procedural protections guaranteed by Agreement, and that there was sufficient probative evidence adduced at the hearing to support the charge. Given the nature of the infraction, the discipline imposed was warranted.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:   
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 17th day of May 1988.