

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31844
Docket No. SG-32250
96-3-95-3-68**

The Third Division consisted of the regular members and in addition Referee Elizabeth C. Wesman when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(The Belt Railway Company of Chicago**

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Belt Railway Company (BELT):

Claim on behalf of E. Hosty for reinstatement to service with seniority unimpaired and with payment for all lost time and benefits, account Carrier violated the current Signalmen's Agreement, particularly Rule 52, when it failed to provide the Claimant with a fair and impartial investigation and imposed the harsh and excessive discipline of dismissal, in connection with an investigation conducted on January 19, 1994. General Chairman's File No. 94-01-BRC. BRS File Case No. 9508-BELT."

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 employee 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 were given due notice of hearing thereon.

Prior to his dismissal, Claimant was a Signalman with approximately 18 months' seniority. On December 22, 1993, Claimant was required to give a urine sample for testing under the random drug testing provisions of Title 49 CFR, Part 219. The sample tested positive for the presence of marijuana metabolites. Claimant was removed from service pending an Investigation. The Investigation was held on January 19, 1994, and Claimant was subsequently dismissed from Carrier's service.

In his testimony during the Investigation, Claimant admitted knowing the Rules contained in the BRC's Book of Rules. At that time, he also acknowledged that he was aware that consumption of marijuana was a violation of Rule "G". In view of Claimant's short tenure with Carrier, and the gravity of his offense, we see no reason to disturb Carrier's assessment of the ultimate penalty of dismissal. Affording Claimant a "second chance" under these circumstances is not warranted.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 26th day of December 1996.