

Public Law Board No. 2363

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employees  
and  
Seaboard System Railroad, formerly L & N

STATEMENT  
OF  
CLAIM:

1. The dismissal of T. P. Campbell, Machine Operator, for alleged possession of marijuana was without just and sufficient cause and excessive.
2. Claimant shall be restored to service with all rights unimpaired and compensated for all wage loss.

FINDINGS:

Claimant, an employee with 3½ years service, was arrested by Franklin County, Tennessee police on charges of marijuana possession. He subsequently appeared in the County Court and pled guilty to the charge of "Possession of Marijuana". He was ordered by the Court to pay a \$750. fine and to serve time , 11 months and 29 days. It was later determined in a probation investigation that he would be required to serve 30 percent of that time and that this time could be served on weekends.

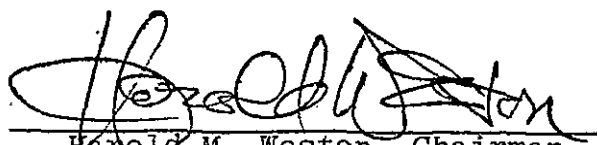
On the basis of these facts and after a hearing was held by Carrier in the matter, claimant was dismissed from Carrier's service. In Petitioner's view, the supreme penalty of dismissal represents excessive punishment.

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It has been consistently held in this industry that conviction of marijuana possession constitutes a valid ground for dismissal. No persuasive ground is perceived for following a different course in this case.

AWARD: Claim denied.

Adopted at Jacksonville, Florida *November 6* 1985.

  
Harold M. Weston, Chairman

  
Carrier Member

  
Employee Member