

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

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

STATEMENT
OF
CLAIM:

1. The dismissal of M. L. Finney, Track Repairman, for alleged possession of marijuana was without cause and excessive.
2. Claimant shall be restored to service with all rights unimpaired and compensated for all wage loss.

FINDINGS:

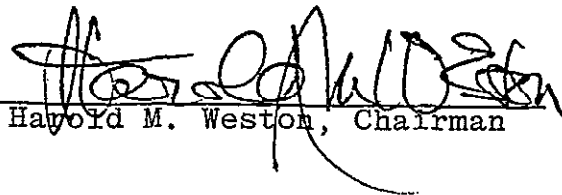
Claimant was arrested in Franklin County, Tennessee police on charges of possession of marijuana. He pled guilty to those charges in the County Court and was given a \$250. fine and sentenced to serve 11 months- 29 days. Probation was granted on the sentence.

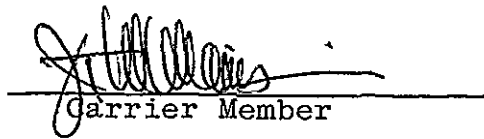
On the basis of those facts and a hearing conducted by Carrier, claimant was subsequently dismissed from Carrier's service. He had been in Carrier's employ for 3½ years. It is Petitioner's position that dismissal is excessive discipline in these circumstances.

We find no basis on this record for substituting our judgment for that of Carrier.

AWARD: Claim denied.

Adopted at Jacksonville, Florida November 6 1985.


Harold M. Weston, Chairman


Carrier Member


Employee Member