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through January 1, 1986. On approximately January 5, 1986, he agreed to reinstatement which included the condition that he abstain from the use of alcohol and drugs and, further, that he would submit to random toxicological testing. On September 8, 1986, Claimant was required to take a toxicological urine test. Approximately eight days later, the contract laboratory reported a positive finding for Claimant for both marijuana and cocaine. He was thereupon suspended from service pending investigation. A formal investigation was held on September 24, 1986 which Claimant did not attend. As a result of the investigation, Carrier determined that he had violated Rule G, as well as his agreement to abstain from the use of drugs, and was dismissed from service by a letter dated October 6, 1986.

Based on the record, there is no question with respect to the results of the testing procedure. Ordinarily, violations of Rule G are considered serious enough transgressions to be almost automatically grounds for dismissal. In this instance, the seriousness of the offense was even more than one would normally expect. Carrier, in accordance with a relatively modern and enlightened program which included a rehabilitation period, found Claimant to have violated his agreement and was under the influence of drugs during the period following his immediate rehabilitation. Thus, after one discharge and rehabilitation and an agreement not to use any of the controlled substances,

Claimant violated his agreement. There can be no doubt but that Carrier within the limits of its enlightened and appropriate program found Claimant guilty of a serious violation and was correct in its determination that he be dismissed.

AWARD

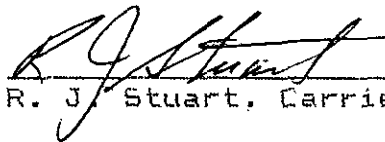
Claim denied.



I. M. Lieberman. Neutral-Chairman



C. F. Foose, Employee Member



R. J. Stuart, Carrier Member

San Francisco, California

1-10, 1989