PUBLIC LAW BOARD NO. 3514

Case No. 538 Award No. 538

Brotherhood of Maintenance of Way Employes PARTIES to - and -Consolidated Rail Corporation DISPUTE:

STATEMENT OF CLAIM:

Appeal of Trackman, Michael A. McCoy, to have his discipline of dismissal_set aside.

FINDINGS: The Claimant was subject to drug testing for a period of three years because of his earlier transgression concerning prohibited drugs. During this three year period, on May 16, 1991, his urine sample tested positive for cannabinoids. This incident led to his dismissal and the claim now before the Board.

The evidence adduced from the hearing held on the Claimant's case shows that he was guilty of the offense. Many Awards in this industry have denied claims that arose under similar circumstances as we find in this case. Therefore, we must deny the claim.

AWARD

The claim is denied.

Domza

Carrier Member

Employee Member

Neutral Member

Dated: August 25, 1993