

Case No. 540      Award No. 540

STATEMENT OF CLAIM:

FINDINGS: The Claimant, because of a prior offense, was subject to periodic drug testing during a three year period. On June 26, 1991, a Carrier Supervisor hand-delivered a letter, dated June 21, 1991, to the Claimant which ordered him to report for a drug test. Because he failed to comply with the Carrier's directive to be tested, he was dismissed.

The Claimant's failure to comply with the Carrier's instruction was at his peril. Under the circumstances and noting the many Awards that have dealt with similar situations as we find in this appeal, the Board must deny the claim.

The claim is denied.

Eckehard Muessig  
Neutral Member

J. P. Cassese, Sr.  
J. P. Cassese, Sr.  
Employee Member

Dated: August 25, 1992