

Public Law Board No. 4061

Case No. 25
Award No. 25

Parties to dispute:

United Transportation Union (CT&E)

and

Norfolk and Western Railway Co.

Statement of claim:

Claim made for and on behalf of Moberly Division brakeman G. E. Fristoe for reinstatement to the service of the Norfolk and Western Railway Co., his record cleared of this incident, and pay for all time lost, as a result of the investigation held February 21, 1986, account failure to comply with Dr. Ford's instructions ; contained in his letter of December 16, 1985.

Opinion of Board:

Claimant was dismissed following his failure to comply with the Carrier's policy on drugs. He was given a urine test and it was positive for marijuana. He did not provide a negative test during the time provided. However, this Board considered the circumstances surrounding that delay, and determined that he should be offered another opportunity. It directed an additional test.

That was provided on April 8. The results were again positive for marijuana.

We can not find from the record that Carrier has violated the agreement.

Findings:

That the agreement was not violated.

Award:

Claim denied.

Dated this 1st day of May, 1987, at St. Louis, Mo.

John B. Criswell
John B. Criswell, Neutral Member

E. M. Martin

E. M. Martin, Carrier Member

L. W. Swert

L. W. Swert, Org. Member