

PUBLIC LAW BOARD NO. 4061

Case No. 26
Award No. 26

Parties to dispute:

United Transportation Union

and

Norfolk & Western Railway Company

Statement of claim:

Claim made for and on behalf of Decatur yardman G. L. Ferderson for reinstatement to the service of the Norfolk & Western Railway Company and his record cleared and pay for all time lost, including time necessary to attend the investigation held on March 3, 1986, account his failure to comply with instructions contained in Dr. Ford's letter of September 4, 1985.

Opinion of Board:

Claimant, in 1985, took a routine physical. The drug urinalysis was returned positive. Claimant complied with the Carrier's policy and presented a negative specimen within 45 days. He was returned conditionally to service.

In January, 1986, claimant was given another physical examination, and, again, the urinalysis was positive for marijuana. He was cited for investigation and dismissed.

The organization says conflicting dates, of the 14th and 15th, were given on certain documents. We are told that claimant actually was in the physician's office for parts of the examination on both days. The question of time limits is raised, and the Carrier must be aware that receipt of the notification of negative findings by the Carrier's medical department requires that all speed be used in meeting the letter of the agreement with regard to time limits in discipline matters.

Claimant's test showed continued use of controlled substance and he was dismissed according to the understanding upon which he was returned to service in 1985.

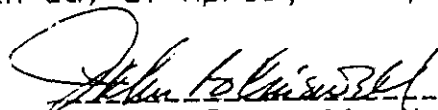
Findings:

That the agreement was not violated.

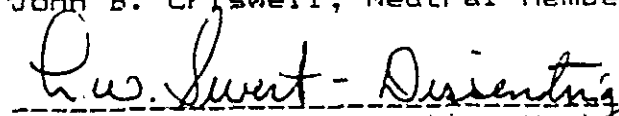
Award:

Claim denied.

Dated this 15th day of April, 1987, at St. Louis, Mo.



John B. Criswell, Neutral Member



L. W. Swert, Organization Member



E. M. Martin, Carrier Member