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together demonstrate that the Claimant was not under the influence of any drugs at the time of the incident. At worst, the urinalysis indicates that the Claimant used marijuana within the previous 60 days. The Organization maintains that the Carrier may not unilaterally prohibit off-duty use of drugs.

The record demonstrates that the Claimant was not responsible for the improper movement. The Trainmaster testified that the Claimant's actions, appearance, and behavior immediately following the incident were perfectly normal. Therefore, the Board finds that there was no reasonable cause to order alcohol and drug testing for the Claimant in this case.

The Board has previously directed that the Claimant be reinstated with full back pay.

FINDINGS

The Board, upon consideration of the entire record and all of the evidence, finds:

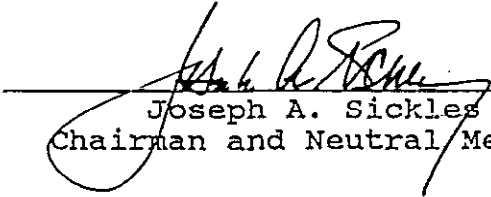
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

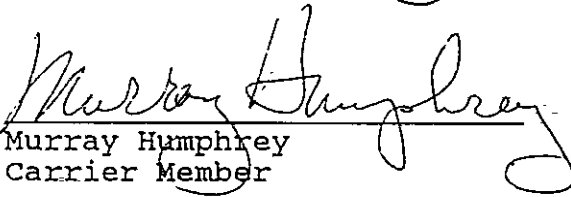
The Board has jurisdiction over the dispute involved herein.

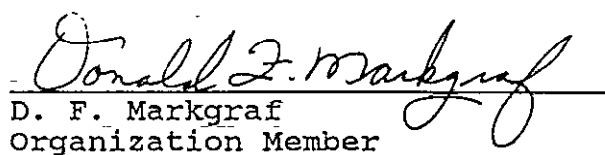
The parties to said dispute were given due and proper notice of hearing thereon.

AWARD

The claim is sustained.


Joseph A. Sickles
Chairman and Neutral Member


Murray Humphrey
Carrier Member


D. F. Markgraf
Organization Member

4/25/89
Date