

PUBLIC LAW BOARD NO. 4615

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

vs

CONSOLIDATED RAIL CORPORATION

AWARD NO. 104

CASE NO. 104

DOCKET NO.: MW-1224-D

CLAIMANT: J. PENNINGTON

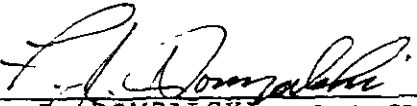
STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

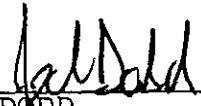
1. The dismissal of Mr. J. A. Pennington, for alleged '... failure to comply with the Conrail Drug Testing Policy as you were instructed in letter dated April 7, 1987 and subsequent letter dated July 13, 1987 from Medical Director G. R. Gebus, M.D., in that you failed to refrain from the use of prohibited drugs as evidenced by the urine sample you provided on September 22, 1989 testing positive.' was without just and sufficient cause, arbitrary, capricious, on the basis of unproven charges and in violation of the Agreement (System Docket MW-1224).
2. As a consequence of the violation referred to in Part 1 above, the Claimant shall be reinstated with seniority and all other rights unimpaired, including overtime and benefits, his record shall be cleared of the charges leveled against him and he shall be paid for all wage loss suffered."

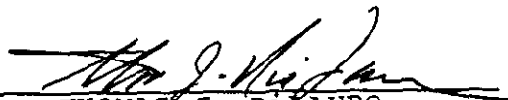
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AWARD

The Claim is denied in its entirety.

  
F. J. DOMZALSKI 8-6-93  
Carrier Member

  
JED DODD  
Organization Member

  
THOMAS J. DiLAURO  
Neutral Member  
AUG. 1 1993