

PUBLIC LAW BOARD NO. 4615

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

vs

CONSOLIDATED RAIL CORPORATION

AWARD NO. 107
CASE NO. 107

DOCKET NO.: MW-1413-D

CLAIMANT: J. J. SMITH

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

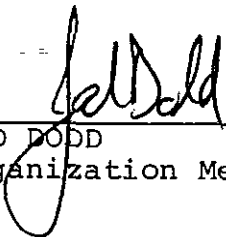
1. The dismissal of Mr. J. J. Smith for alleged '... failure to comply with the Conrail Drug Testing Policy in that on May 8, 1990, you provided a urine specimen (sic) that testified positive for a prohibited drug and you failed to follow instructions to complete the requirements stated in the letter sent to you from T. Nowosiwsky, M.D., dated May 16, 1990' was without just and sufficient cause, arbitrary, capricious, on the basis of unproven charges and in violation of the Agreement (System Docket MW-1413).
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
Carrier Member


JED DODD
Organization Member


THOMAS J. DILAURO
NEUTRAL MEMBER

AUG. 1 1993