PUBLIC LAW BOARD NO. 4615

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

vs.

Case No. 47

Award No. 47

CONSOLIDATED RAIL CORPORATION

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

- 1. The dismissal of Mr. R. Riffle for alleged '...
 failure to comply with the Conrail Drug Testing
 Policy as you were instructed in letter dated
 April 28, 1987, from Medical Director G. R. Gebus,
 in that you failed to refrain from the use of
 prohibited drugs as established by the urine sample
 you provided on September 21, 1987 testing positive.'
 was without just and sufficient cause, arbitrary,
 capricious, on the basis of unproven charges and in
 violation of the Agreement (System Docket CR-3608D).
- 2. As a consequence of the violations referred to in Part 1 above, the Claimant shall be reinstated with seniority and all other rights including overtime and benefits unimpaired, his record shall be cleared of the charges leveled against him and he shall be paid for all wage loss suffered."

4615-47

Case No. 47

Award No. 47

AWARD

The Claim is denied in its entirety.

b DODD ganization Member

Neutral Member

1 1993 APR.