

PUBLIC LAW BOARD NO. 4615

BROTHERHOOD OF MAINTENANCE OF
WAY EMPLOYES

vs.

CONSOLIDATED RAIL CORPORATION

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: Case No. 49

: Award No. 49
:
:

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

1. The dismissal of Mr. V. V. Miller for alleged '... failure to comply with the Conrail Drug Testing Policy as you were instructed in letter dated April 10, 1987, and subsequent letter dated May 26, 1987 from Medical Director G. R. Gebus, in that you failed to refrain from the use of prohibited drugs as evidenced by the urine sample provided on November 4, 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-3616D).
2. As a consequence of the violation 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."


49-4615


Case No. 49


Award No. 49

AWARD

The Claim is denied in its entirety.


F. J. DOMZALSKI 3-26-93
Carrier Member


JED DODD
Organization Member


THOMAS J. DILAURO
Neutral Member
MAR. 11 1993