

PUBLIC LAW BOARD NO. 4615

BROTHERHOOD OF MAINTENANCE OF
WAY EMPLOYES

vs.

CONSOLIDATED RAIL CORPORATION

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:
: Case No. 52

: Award No. 52
:
:

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

1. The dismissal of Mr. W. H. Avery for alleged '... failure to comply with the Conrail Drug Testing Policy as you were instructed in the letter dated March 11, 1988, from the Regional Medical Director P. F. Maranzini, D.O., in that you did not, within 45 days of the letter provide a negative drug screen.' was without just and sufficient cause, arbitrary, capricious, on the basis of unproven charges and in violation of the Agreement (System Docket CR-3716D).
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."


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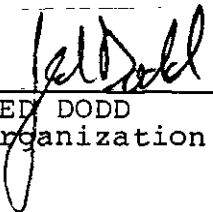
Award No. 52

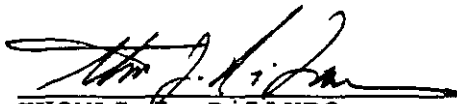
AWARD

The Claim is sustained in part and denied in part. The Claimant is to be reinstated immediately without back pay or benefits but with seniority unimpaired.


F. J. DOMZALSKI
Carrier Member

3-26-93


JED DODD
Organization Member


THOMAS G. DiLAURO
Neutral Member

MAR. 11 1993