

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Seaboard System Railroad (L & N RR)

STATEMENT
OF
CLAIM:

Claimant T. D. Larkins shall be allowed to return to his former position with seniority unimpaired.

FINDINGS:

Upon investigating a report that several employees were smoking marijuana in one of Carrier's Camp Cars, claimant was found to be in possession of five marijuana cigarettes. Carrier Special Agents testified that the odor of marijuana was detected as soon as they entered the car.

He subsequently appeared in Memphis City Court and entered a plea of guilty to possession of a controlled substance; he was placed on probation by the Court for 11 months and 29 days for the offense.

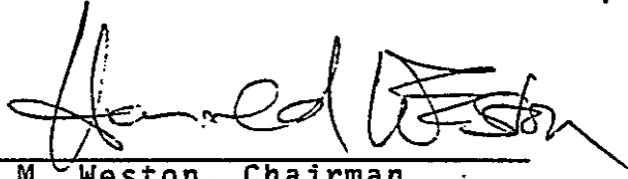
We find no basis for substituting our judgment for that of Carrier in this matter. The claim will be denied.

2363-AWD 50

AWARD:

Claim denied.

Adopted at Jacksonville, Florida, November 6, 1984.



Harold M. Weston, Chairman
Carrier Member
Employee Member