PUBLIC LAW BOARD NO. 3514

Case No. 538 Award No. 538

PARTIES Brotherhood of Maintenance of Way Employes

to - and -

DISPUTE: Consolidated Rail Corporation

STATEMENT OF CLAIM:

Appeal of Trackman, Michael A. McCoy, to have his discipline of dismissal_set aside.

FINDINGS: The Claimant was subject to drug testing for a period of three years because of his earlier transgression concerning prohibited drugs. During this three year period, on May 16, 1991, his urine sample tested positive for cannabinoids. This incident led to his dismissal and the claim now before the Board.

The evidence adduced from the hearing held on the Claimant's case shows that he was guilty of the offense. Many Awards in this industry have denied claims that arose under similar circumstances as we find in this case. Therefore, we must deny the claim.

Employee Member

AWARD

The claim is denied.

. J. Domzalski Eckerard

Carrier Member Neutral Member

Dated: August 25 1993