## PUBLIC LAW BOARD NO. 3514

Case No. 540 Award No. 540

Brotherhood of Maintenance of Way Employes

to

DISPUTE: Consolidated Rail Corporation

## STATEMENT OF CLAIM:

Appeal of Foreman, Donald L. Durham to have his discipline of dismissal set aside.

The Claimant, because of a prior offense, was subject to periodic drug testing during a three year period. On June 26, 1991, a Carrier Supervisor hand-delivered a letter, dated June 21, 1991, to the Claimant which ordered him to report for a drug test. Because he failed to comply with the Carrier's directive to be tested, he was dismissed.

The Claimant's failure to comply with the Carrier's instruction was at his peril. Under the circumstances and noting the many Awards that have delt with similar situations as we find in this appeal, the Board must deny the claim.

AWARD

The claim is denied.

Domzal

Caprier Member

Muessig Neutral Member

Employee Member