

AWARD NO. 57
CASE NO. 57

PUBLIC LAW BOARD NO. 3558

PARTIES)	BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
TO)	
DISPUTE)	SOUTHERN PACIFIC TRANSPORTATION COMPANY
		EASTERN LINES

AWARD

STATEMENT OF CLAIM:

"1. Carrier violated the effective Agreement when Track Laborer D. S. Locure was unjustly dismissed from service.

2. Claimant Locure shall now be reinstated to his former position with all seniority, vacation rights and any other rights accruing to him unimpaired." (MW-86-122)

OPINION OF BOARD:

Claimant is a track laborer with ten years of service. As a result of charges dated August 13, 1986, investigation held August 20, 1986 and by letter dated August 22, 1986, Claimant was dismissed from service for violation of Carrier Rules B and G.

While on duty on August 5, 1986, Claimant drove his car into two parked cars. In the process of completing an accident report, Claimant appeared to be incoherent to Assistant Terminal Superintendent N. J. LeGlue, Jr. Subsequent testing showed positive for cocaine.

At the investigation, Claimant testified:

[Q] Did you use cocaine while on duty 8/5/86?

[A] No sir.

[Q] Did you use cocaine prior to coming on duty 8/5/86?

[A] Yes sir. On the weekend.

[Q] Did you use cocaine immediately prior to coming on duty 8/5/86?

- [A] No sir.
- [Q] When was the last time you used cocaine?
- [A] The weekend before the 5th.
- [Q] Could I understand that to mean as having taken cocaine on the night of 8/3/86?
- [A] Yes sir.
- [Q] Can you explain for the record why the report indicates a high measure of cocaine in your system as taken from your urin [sic] 8/5/86?
- [A] The only solution I have for that question is the quantity of cocaine and the quality of cocaine.
- [Q] Are you saying that while on duty 8/5/86, you were under the influence of cocaine.
- [A] Yes sir.


Subsequent to the investigation, Claimant entered but did not complete a treatment program.


Carrier's Rule B requires that employees obey all rules and instructions. Carrier's Rule G prohibits reporting for duty under the influence of drugs. Based on the above, we find substantial evidence in the record to support the Carrier's conclusion that Claimant violated the cited rules and find no reason to disturb the discipline imposed.

AWARD:

Claim denied.


Edwin H. Benn, Chairman
and Neutral Member


C. B. Gayne
Carrier Member


S. A. Hammons, Jr.
Organization Member

Houston, Texas
August 31, 1988