

DATE _____

PARTIES TO DISPUTE:

MAR 10 1961

STATEMENT OF CLAIM

Request and claim of Trainman K.J. Beutel, Eastern Division, for reinstatement to the services of the Chicago and North Western Transportation Company, with vacation and seniority rights unimpaired, in addition to the payment of any and all health and welfare benefits until reinstated, and that he be compensated for any and all lost time, including time spent attending an investigation held on March 17, 1987 at Peoria, Illinois when charged with an alleged responsibility in connection with his violation of Rule G and Rule G Addition, while he was employed as a brakeman on Train PWBBX (Extra 6857 North).

OPINION OF THE BOARD

Claimant was employed as head brakeman on Extra 6857 North when he and his engineer were instructed by the dispatcher to operate manually a switch. Claimant proceeded to the rear unit in order to separate the locomotive consist from the freight cars. He then signaled the engineer to complete the separation and began walking forward. At that point, the engineer pulled the locomotive ahead too far and ran through the switch.

The entire crew was tested for alcohol and drugs. A urinalysis of the Claimant was positive for marijuana, but his blood sample was negative for any drugs.

Claimant subsequently was dismissed for a violation of Rule
G.

The Organization argues that the urine and blood test

together demonstrate that the Claimant was not under the influence of any drugs at the time of the incident. At worst, the urinalysis indicates that the Claimant used marijuana within the previous 60 days. The Organization maintains that the Carrier may not unilaterally prohibit off-duty use of drugs.

The record demonstrates that the Claimant was not responsible for the improper movement. The Trainmaster testified that the Claimant's actions, appearance, and behavior immediately following the incident were perfectly normal. Therefore, the Board finds that there was no reasonable cause to order alcohol and drug testing for the Claimant in this case.

The Board has previously directed that the Claimant be reinstated with full back pay.

FINDINGS

The Board, upon consideration of the entire record and all of the evidence, finds:

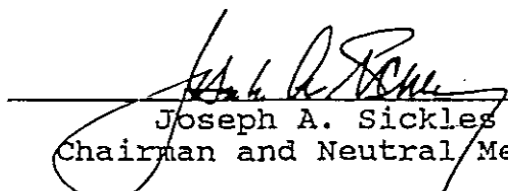
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

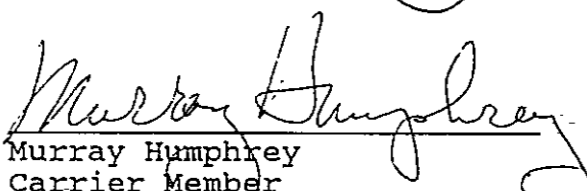
The Board has jurisdiction over the dispute involved herein.

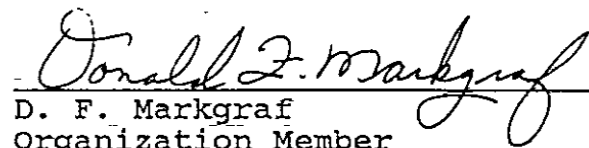
The parties to said dispute were given due and proper notice of hearing thereon.

AWARD

The claim is sustained.


Joseph A. Sickles
Chairman and Neutral Member


Murray Humphrey
Carrier Member


D. F. Markgraf
Organization Member

4/25/89
Date