

PUBLIC LAW BOARD NO. 4615

BROTHERHOOD OF MAINTENANCE OF :
WAY EMPLOYEES :
"Organization" : Case No. 28
vs. : Award No. 28
CONSOLIDATED RAIL CORPORATION :
"Carrier" :

STATEMENT OF CLAIM

Claim of the Pennsylvania Federation, BMWF that:

(1) Holding Mr. R. Rudloff out of service for failure to comply with the Conrail Drug Testing Policy in that he did not provide a positive urine specimen when he was tested at his normal return-to-duty physical on March 16, 1987, was without just and sufficient cause, arbitrary, capricious, on the basis of unproven charges and in violation of the Agreement (System File CR-3331).

(2) As a consequence of the violations referred to in Part (1) above, the Claimant shall be compensated for all time lost, including overtime for the period between April 20, 1987, and continuing and his record shall be cleansed of any drug related offenses.


OPINION OF THE BOARD

At the proceeding before this Board, the Organization withdrew the claim on procedural grounds without reference to the merits.

AWARD

Claim disposed of consistent with the above opinion.


F. DOMZALSKI
Carrier Member


J. DODD
Organization Member


S. E. BUCHHEIT
Neutral Member

APR 12 1991