PUBLIC LAW BOARD NO. 4615

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

Case No. 34

VS.

Award No.34

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

- 1. The dismissal of Mr. D. W. Ash for alleged '...
 failure to comply with the Conrail Drug Testing
 Policy as you were instructed in letter dated
 April 2, 1987, and subsequent letter dated April 29,
 1987 from Medical Director G. R. Gebus, in that you
 failed to refrain from the use of prohibited drugs
 as evidenced by the urine sample provided on
 September 25, 1987, testing positive.' was without
 just and sufficient cause, arbitrary, capricious,
 on the basis of unproven charges and in violation
 of the Agreement (System Docket CR-3387D).
- 2. As a consequence of the violation referred to in Part 1 above, the Claimant shall be reinstated with seniority and all other rights, including overtime and benefits, unimpaired, his record shall be cleared of the charges leveled against him and he shall be paid for all wage loss suffered."

AWARD

The Claim is sustained in part and denied in part. The Claimant is to be reinstated immediately without back pay or benefits but with seniority unimpaired.

F. J. DOMZALSKI

Cafrier Member/

JED DODD

Ofganization Member

THOMAS J. DILAURO

Neutral Member

MAR. 1 1 1993