

PUBLIC LAW BOARD NO. 4615

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BROTHERHOOD OF MAINTENANCE OF  
WAY EMPLOYEES

vs.

CONSOLIDATED RAIL CORPORATION  
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Case No. 50

Award No.50

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


1. The dismissal of Mr. K. Mitchell for alleged '... failure to comply with the Conrail Drug Testing Policy as you were instructed in letter dated October 12, 1987 and a subsequent letter dated November 4, 1987 from Medical Director G. R. Gebus, in that you did not successfully complete the initial phase of the Rehabilitation Program and provide a negative urine sample with the proscribed time period, which was explained to you in the November 4 letter.' was without just and sufficient cause, arbitrary, capricious, on the basis of unproven charges and in violation of the Agreement (System Docket CR-3698D).
2. As a consequence of the violations 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."

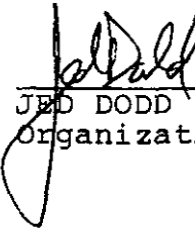
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AWARD

The Claim is denied in its entirety.

  
F. J. DOMZALSKI  
Carrier Member

  
JED DODD  
Organization Member

  
THOMAS J. DILAURO  
Neutral Member  
APR. 1 1993