

PUBLIC LAW BOARD NO. 4615

BROTHERHOOD OF MAINTENANCE OF
WAY EMPLOYES

vs.

CONSOLIDATED RAIL CORPORATION

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: Case No. 54

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: Award No. 54
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STATEMENT OF CLAIM: "Claim of the System Committee of the
Brotherhood that:


1. The dismissal of Mr. K. T. Johnson for alleged '... failure to comply with the Conrail Drug Testing Policy as you were instructed in letter dated June 8, 1987, and subsequent letter dated June 22, 1987 from Medical Department G. R. Gebus, M.D., in that you failed to refrain from the use of prohibited drugs as evidenced by the urine sample provided on February 23, 1988, 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-3736D).
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."


54-4615
Case No. 54

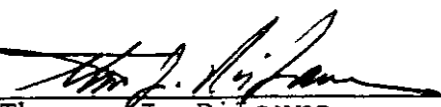
Award No. 54

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
Carrier Member
3-26-93


JEE DODD
Organization Member


Thomas J. DiLauro
Neutral Member
MAR. 11 1993