

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

VS

CONSOLIDATED RAIL CORPORATION

CASE NO. 61

AWARD NO. 61

DOCKET NO.: CR-3967D

CLAIMANT: L. MORAN

Statement of Claim: "Claim of the System Committee of the Brotherhood that:

1. The dismissal of Mr. L. Moran for alleged '... failure to comply with the Conrail Drug Testing Policy as you were instructed in the letter dated April 15, 1988, from Medical Director G. R. Gebus, M.D., in that you did not within 45 days of that letter, either provide a negative drug screen or enter Conrail's Employee Assistance Program.' was without just and sufficient cause, arbitrary, capricious, on the basis of unproven charges and in violation of the Agreement (System Docket CR-3967D).
2. As a consequence of the violation referred to in Part 1 above, the Claimant shall be reinstated with seniority and all other rights unimpaired, including overtime and benefits, 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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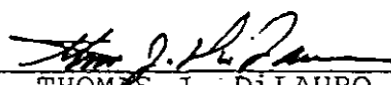
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The Claim is sustained in part and denied in part. The Claimant is to be reinstated immediately without back pay or benefits but with seniority unimpaired.


F. J. DOMZALSKI 5-743
Carrier Member


JED DODD
Organization Member


THOMAS J. DiLAURO
Neutral Member
MAY 1 1993