

PUBLIC LAW BOARD NO. 4615

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs

CONSOLIDATED RAIL CORPORATION

CASE NO. 74

AWARD NO. 74

DOCKET NO.: CR-4218D

CLAIMANT: K. SHOOK

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

1. The dismissal of Mr. K. R. Shook 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 May 13, 1987, from Medical Director G. R. Gebus, when you refused to provide a urine sample on June 9, 1988, as instructed by R. J. Steinbacher.' was without just and sufficient cause, arbitrary, capricious, on the basis of unproven charges and in violation of the Agreement (System Docket CR-4218D).
2. As a consequence of the violations 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."


4615-74

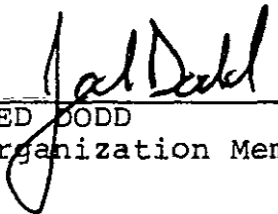
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AWARD

The Claim is denied in its entirety.


F. J. DOMZALSKI 6-11-93
Carrier Member


JED ODD
Organization Member


THOMAS J. DiLAURO
Neutral Member
JUN. 1 1993