

PUBLIC LAW BOARD NO. 4615

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

VS

CONSOLIDATED RAIL CORPORATION

CASE NO. 82

AWARD NO. 82

DOCKET NO.: MW-33

CLAIMANT: D. SMITH

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

1. The dismissal of Mr. D. M. Smith for alleged '...
1. Insubordination in connection with your alleged refusal to participate in Conrail's Drug Testing Program, as outlined in a letter to you on April 29, 1987, from Dr. P. Maranzini, Regional Medical Director, advising that you were subject to a three (3) year period of without prior notice testing, when you declined to submit a second urine specimen for testing at Fairless Hills Medical Center on September 15, 1988. 2. Attempting to provide a false urine specimen for drug testing, when you were required to submit to a medical exam, at Fairless Hills Medical Center, Fairless Hills, PA, on September 15, 1988.' was without just and sufficient cause, arbitrary, capricious, on the basis of unproven charges and in violation of the Agreement (System Docket MW-33).
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."

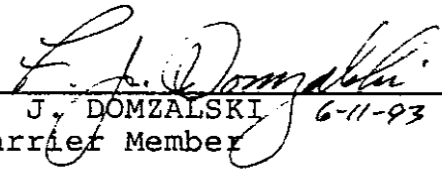
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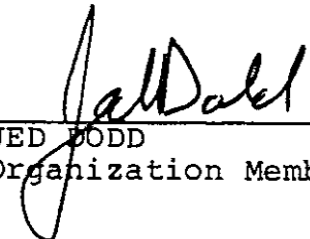
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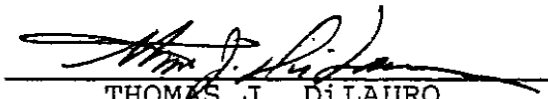
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AWARD

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 6-11-93


JED DODD
Organization Member


THOMAS J. DiLAURO
Neutral Member
JUN. 1 1993