

SPECIAL BOARD OF ADJUSTMENT NO. 1048

Award No. 22

Parties to Dispute:

Brotherhood of Maintenance of Way Employees

and

Norfolk and Western Railway Company

Statement of Claim:

Claim on behalf of L. J. Marcum requesting that he be reinstated with seniority and vacation unimpaired and with pay for all time lost as a result of his dismissal for failing to comply with the instructions of the Carrier's Medical Director and Company Policy to keep his system free of prohibited drugs.

[File Number MW-BLUE-90-64-LM-562]


Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.


This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

AWARD

After thoroughly reviewing and considering the transcript and the parties' presentations, the Board finds that the claim should be disposed of as follows:

Claim is denied. The drug/alcohol policy on this property is fair, reasonable and enforceable. There is no evidence of mitigation to be found in this case.


James E. Mason


Richard A. Lau
Organization Member


L. F. Miller, Jr.
Carrier Member

Issued at Palm Coast, Florida on December 17, 1991