

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 559

Docket No. 559

File 910568

Parties Brotherhood of Maintenance of Way Employes
to and
Dispute Union Pacific Railroad Company
(Former Missouri Pacific Railroad Company)

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12,
when O. Borden was dismissed from service on April 18, 1991.

(2) Claim in behalf of Mr. Borden for wage loss suffered
beginning April 18, 1991, until reinstated with seniority,
vacation and all other rights unimpaired.

Findings: The Board has jurisdiction by reason of the parties
Agreement establishing this Board for that purpose.

The Claimant, Trackman O. Borden, following an
investigation held on May 7, 1991, on the charge:

"...insubordinate when you failed to comply with
instructions from Track Supervisor R. D. Newton in his
letters of May 10, 1989 and July 28, 1989 to remain drug
free indefinitely as evidenced by the positive test result
of the follow-up drug test given you on April 5, 1991."

The Carrier concluded that he was culpable. The
Claimant was dismissed from service as discipline therefor.

The Claimant was accorded the due process to which
entitled under his discipline rule.

There was sufficient evidence adduced, including the
admissions of Claimant and in particular the one concerning
that he was back on drugs, to support Carrier's conclusion
as to the culpability of the Claimant of the charges placed
against him.

In view of the Claimant's past discipline record and
the record in this case, the discipline assessed is
consistent with the handling of similar other cases.
Therefore, this claim will be denied.

Award: Claim denied.

Sal Hammons Jr. Kathy A. Alexander
S. A. Hammons, Jr., Employee Member Kathy A. Alexander, Carrier Member

Arthur T. Van Wart
Arthur T. Van Wart, Chairman
and Neutral Member

Issued December 19, 1992.