

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 582

Case No. 582

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12, when B. R. Hollingsworth was dismissed from service on February 14, 1992.

(2) Claim in behalf of Mr. Hollingsworth for wage loss suffered beginning February 14, 1992, until reinstated with seniority, vacation and all other rights unimpaired.

Findings:     The Board has jurisdiction of this dispute by reason of the Parties Agreement establishing this Board therefor.

              Claimant following a formal investigation was advised under date of February 14, 1992 that:


"You are hereby advised the record has this date been assessed dismissal account you were insubordinate when you failed to comply with instructions from Manager of Track Maintenance, D. R. Martin, in his letter of April 1, 1991, to remain drug free indefinitely as evidence by a positive test result of follow-up test given you at approximately 8:30 A.M., Monday, September 16, 1991 in St. Louis, Missouri, while on duty as Trackman this is in violation of Rule 600 and 6073 (of Safety, Radio and General Rules for All Employees, effective October 1989).

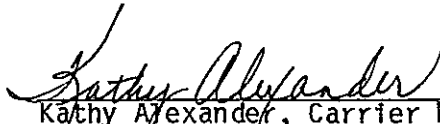
Your record now stands: dismissal from the Union Pacific Railroad."


              Claimant was accorded the due process to which entitled.

              There was sufficient evidence adduced to support the Carrier's conclusion that he was guilty of the charge placed against him. He was as pointed out in the dismissal not drug free. The Claimant is in the position that he finds himself in by such failure. The Board holds with Carrier's decision of dismissal and finds the discipline imposed is consistent with other similar cases placed before the Board.

Award: Claim denied.

  
S. A. Hammons, Jr., Employee Member

  
Kathy Alexander, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued May 22, 1993.