

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 600

Docket No. 600

U.P. File No. 920521

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12, when J. F. Adams (SSN 499-70-7586) was dismissed from service on September 8, 1992.

(2) Claim in behalf of Mr. Adams for wage loss suffered beginning September 9, 1992, until reinstated with seniority, vacation and all other rights unimpaired.

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

The Claimant, Johnny F. Adams, following a formal investigation on the charge that he was allegedly insubordinate when he failed to comply with instructions given by Manager of Maintenance of Way Equipment T. M. Stuhisatz in his letters of August 7, 1991 and January 8, 1992 to remain drug free indefinitely as evidenced by the positive drug test as a result of the follow-up drug test given him on July 2, 1992 at North Little Rock, Arkansas, was dismissed from service as discipline therefor.

In July 1991, as a result of his annual Engineering Service physical examination, which included a urinalysis the Claimant tested positive for an illegal drug. He was issued a letter under date of August 7, 1991 explaining his rights and obligations under the Carrier's drug policy, in essence and among other things, that as a medically disqualified person he was to become drug free as a result of the positive test in order to remain employed and he was to stay drug free.

The Claimant was permitted to return to work January 8, 1992 after a negative drug test. He did so under the conditions that the Maintenance of Way Equipment Manager T. M. Stuhisatz wrote to him about.

As a result of the post-follow-up drug test given on July 2, 1992 which resulted in a positive test that indicated 496 NG/ML of marijuana in his system, the Claimant was dismissed. His dismissal is consistent with the uniform

application of the drug policy and was under the same circumstances as that of other dismissed employees.

This claim will be denied.

Award: Claim denied.

S. A. Hammons Jr.
S. A. Hammons, Jr., Employee Member

Kathy Alexander
Kathy Alexander, Carrier Member

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

Issued November 27, 1993.