

SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES)
TO)
DISPUTE) ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

STATEMENT OF CLAIM:

"1. Carrier violated the effective Agreement when William Clark was unjustly dismissed in letter dated December 14, 1984.

2. Claimant Clark shall now be reinstated to service with all seniority rights unimpaired and compensated for all lost wages, beginning November 8, 1984." (SSW-D-1177-Clark; 53-800)

FINDINGS:

The Board, after hearing upon the whole record and all the evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended; this Board has jurisdiction over the dispute involved herein; and, the parties were given due notice of hearing thereon.

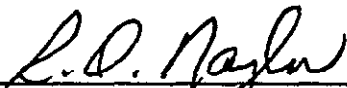
The record substantiates that Claimant was found to be in violation of Rule "G" of Carrier's Rules and Regulations for the Government of Maintenance of Way Employees. However, since the record suggests that Claimant may not have been properly advised of his rights relative to submitting to a blood and urine test at the hospital, the Board will direct that Claimant be reinstated to service with seniority and other rights unimpaired but without compensation for time he will have been out of service to the effective date of implementation of this Board's Award.

AWARD:

Claim sustained to the extent set forth in the above Findings.



Robert E. Peterson, Chairman
and Neutral Member



R. O. Naylor
Carrier Member



M. A. Christie
Organization Member

Houston, TX
August 29, 1986