

SPECIAL BOARD OF ADJUSTMENT NO. 280

**PARTIES) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
TO)
DISPUTE) ST. LOUIS SOUTHWESTERN RAILWAY COMPANY**

STATEMENT OF CLAIM

1. The dismissal of Machine Operator J. Bribiesca for alleged violation of Rule G was without just and sufficient cause and on the basis of unproven charges (System File MW-87-45-CB/465-5-A).
2. The Claimant shall be reinstated to service with seniority and all other rights and benefits, including vacation benefits, unimpaired, his record cleared of the charges leveled against him and he shall be compensated for all wage loss suffered.

OPINION OF BOARD

As a result of charges dated July 28, 1987, hearing eventually held on August 20, 1987 and by letter dated August 28, 1987, Claimant, a machine operator with approximately six years of service, was dismissed for violation of Rule G.

While operating a crane on July 21, 1987 in connection with the unloading and distribution of rail anchors along the right-of-way in the vicinity of White City, Kansas, Claimant knocked down a power line crossing above the track with the boom of his crane causing an interruption of power service. After involvement in the accident, Claimant was sent for testing with the results (confirmed by GC/MS) showing a positive presence of cannabinoids.


Substantial evidence supports the Carrier's conclusion that Claimant violated Rule G as charged. The circumstances presented in this matter wherein Claimant had an accident involving the crane he was operating gave the Carrier a sufficient basis to require Claimant to submit to a drug test. The results of the confirmed test show that Claimant violated Rule G.


Contrary to the argument of the Organization, the fact that Claimant may not have been solely responsible for the accident does not change the conclusion that under the circumstances of this case, the Carrier had a reasonable basis to require Claimant to submit to a drug test.

We have considered the other arguments made by the Organization and find them to be without merit in this case. Under the circumstances, we cannot say that dismissal was arbitrary, capricious or excessive.

AWARD

Claim denied.


Edwin H. Benn
Neutral Member


R. O. Naylor
Carrier Member


S. K. Hammons, Jr.
Organization Member

Houston, Texas
June 11, 1990