

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award No. 25

Parties to Dispute:

Brotherhood of Maintenance of Way Employes

and

Norfolk Southern Railway Company

Statement of Claim:

Claim on behalf of G. A. Robinson requesting that he be reimbursed with back pay for all time lost due to his dismissal for "failure to comply with the instructions of Carrier Medical Director, J. P. Salb, and Company Policy to contact the Office of Manager Rehabilitation Service within seven days for evaluation as stated in Dr. Salb's February 7, 1991 letter advising that the drug screen urinalysis conducted on February 4, 1991 was positive for cocaine."

[File Number MW-BHAM-91-3]

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

AWARD

After thoroughly reviewing and considering the transcript and the parties' presentations, the Board finds that the claim should be disposed of as follows:

Claim is denied. The record supports carrier's actions.

James E. Mason

Richard A. Lau

Richard A. Lau  
Organization Member

L. F. Miller, Jr.

L. F. Miller, Jr.  
Carrier Member