

Org. File 239-57-8279
Co. File TRN J-5-42

Decision No. 5733
Case 1137
Supplemental List No. 91

SPECIAL ADJUSTMENT BOARD NO. 18
(Train Service Panel)

PARTIES TO DISPUTE: United Transportation Union-
Southern Pacific Transportation Company (Western Lines)

STATEMENT OF CLAIM: Request of Brakeman Richard E. Young, Jr., Western District and Division, for reinstatement to service with seniority unimpaired and for replacement of wage loss resulting from his dismissal from service on June 25, 1985, as well as wage loss while attending an investigation on June 7, 1985, because of his alleged violation of Rule G of the Rules and Regulations of the Transportation Department, which occurred on May 30, 1985.

STATEMENT OF FACTS: On June 4, 1985, the Carrier directed the Claimant to attend an investigation. The notice read as follows:

"You are hereby notified to be present at the Office of the Terminal Superintendent, 515 Bay Street, Oakland, California, at 9:00 a.m., Friday, June 7, 1985, for formal investigation to develop the facts and place responsibility, if any, in connection with your alleged failure to pass a urinalysis test administered at Provident Hospital on May 30, 1985 in that the test was positive for the presence of cannabinoids (marijuana), for which occurrence you are charged with responsibility that may involve violation of Rule G, that portion reading:

"The illegal use, possession or sale while on or off duty of a drug, narcotic or other substance which affects alertness, coordination, reaction, response or safety, is prohibited."

"of the Rules and Regulations of the Transportation Department of the Southern Pacific Transportation Company."

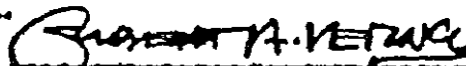
Subsequent to the investigation, the Claimant was dismissed.

FINDINGS: The Board finds, after hearing upon the whole record and all evidence that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement and it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

DECISION: There is no question that the Claimant violated Rule G. In addition to the test results, he admitted using marijuana a few days before May 30, 1985.

However, the record also bears out that at the time of the Board's hearing he had no dependency problem and as such is entitled to conditional reinstatement without backpay.

The Board has so ordered.



Gilbert H. Vernon
Chairman and Neutral Member



D. E. Torrey, Carrier Member



Glynn Gallagher; Employee Member

Dated this 11 day of May 1987
San Francisco, California.