

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 582

Case No. 582

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12,
when B. R. Hollingsworth was dismissed from service on
February 14, 1992.

(2) Claim in behalf of Mr. Hollingsworth for wage loss
suffered beginning February 14, 1992, until reinstated with
seniority, vacation and all other rights unimpaired.

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

Claimant following a formal investigation was advised
under date of February 14, 1992 that:

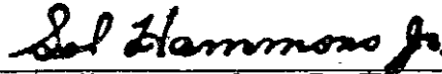
"You are hereby advised the record has this date been
assessed dismissal account you were insubordinate when you
failed to comply with instructions from Manager of Track
Maintenance, D. R. Martin, in his letter of April 1, 1991,
to remain drug free indefinitely as evidence by a positive
test result of follow-up test given you at approximately
8:30 A.M., Monday, September 16, 1991 in St. Louis,
Missouri, while on duty as Trackman this is in violation of
Rule 600 and 6073 (of Safety, Radio and General Rules for
All Employees, effective October 1989).

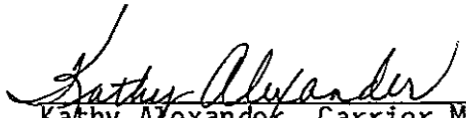
Your record now stands: dismissal from the Union Pacific
Railroad."

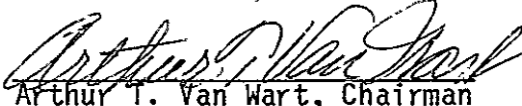
Claimant was accorded the due process to which
entitled.

There was sufficient evidence adduced to support the
Carrier's conclusion that he was guilty of the charge placed
against him. He was as pointed out in the dismissal not
drug free. The Claimant is in the position that he finds
himself in by such failure. The Board holds with Carrier's
decision of dismissal and finds the discipline imposed is
consistent with other similar cases placed before the Board.

Award: Claim denied.


S. A. Hammons, Jr., Employee Member


Kathy Alexander, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued May 22, 1993.