

PUBLIC LAW BOARD NO. 1760

Award No. 131

Case No. 131

Docket No. MW-FTW-89-36(SG)

Parties Brotherhood of Maintenance of Way Employees  
to and  
Dispute Norfolk and Western Railway Company  
(Former Wabash)

Statement

of Claim: Claim of M. G. Dawson for reinstatement as a result of a November 10, 1989 investigation concerning persist and unsafe work practices, failure to properly report an alleged October 5, 1989 injury and providing false information regarding this alleged injury.

Findings: The Board has jurisdiction of the of this case by reason of the parties Agreement establishing this Board therefor.

The Board was advised at the hearing that prior thereto, on May 8, the Claimant had entered into a compromise settlement. In the body of the agreement therefor (Item 2), in part, read:

"...agree to dismiss, cancel, terminate, withdraw, and release any and all claims by me or in my behalf for reinstatement, including pay for lost time, vacation and holiday pay health and welfare benefits arising out of alleged wrongful discharge from date of my dismissal from service of Norfolk and Western Railway Company, on November 27, 1989,..."

Pursuant to the adopted policy of this Board involving a separation settlement our having made a special settlement the instant claim is dismissed by the Board without prejudice to the positions of the parties.

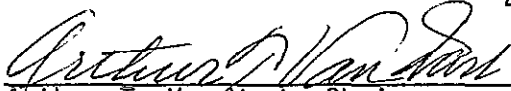
Award: Claim dismissed as per findings.



S. Hammons, Jr. Employee Member



L. F. Miller, Jr., Barrier Member



Arthur T. Van Wart, Chairman  
and Neutral Member