

NATIONAL RAILROAD ADJUSTMENT BOARD
SPECIAL BOARD OF ADJUSTMENT
PUBLIC LAW BOARD NO. 1837

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BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
and

NORFOLK and WESTERN RAILWAY CO.

CASE NO. 35

(NWK 77-11)

WHEELING AND LAKE ERIE DISTRICT

CLAIM OF THE SYSTEM COMMITTEE THAT:

1 The carrier violated the effective Agreement dated April 1, 1951, on September 14, 1977, when it dismissed claimant S. H. Burris, Jr. from service.

2. The dismissal of the claimant was excessive, unwarranted and unjustified. The claimant now be restored to service with seniority and benefits unimpaired and payment allowed for the assigned working hours actually lost while out of service of the railroad, at not less than the rate of pay for position formerly held, or for the difference in rate of pay earned if in or out of service.

FINDINGS:

This Board, upon the whole record and all the evidence finds that: the Carrier and Employee involved are respectively Carrier and Employee within the meaning of the Railway Labor Act, as amended, and the Board has jurisdiction over the dispute involved.

OPINION OF THE BOARD:

The Board, on review of the facts of the case, is satisfied that the Carrier had cause for the Claimant's dismissal. Nonetheless, we restore him to service on a "last chance" basis, but issue him a stern admonishment that he seize this opportunity to demonstrate that he can comport himself as an exemplary employee and expect his future record to bear out this confidence. The

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parties may not refer to this Award for precedent purposes in any future, similar case.

AWARD

The Carrier had cause for dismissal but the Claimant is offered one last opportunity for employment.



Neutral Member



Carrier Member



Organization Member

Signed this 1st day of June, 1981
in Washington, D.C.