

PUBLIC LAW BOARD NO. 249

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

VS.

NORFOLK AND WESTERN RAILWAY CO.

STATEMENT OF CLAIM:

1. Carrier improperly disciplined Section Foreman G. T. Fornadley on August 23, 1968, when Carrier notified Claimant Foreman Fornadley that he was relieved from his responsibilities as a Section Foreman, thus requiring this Claimant to exercise his seniority rights as a Section Laborer.

2. Section Foreman G. T. Fornadley be now allowed the difference in rate between that of a section foreman and that of a laborer for all time worked subsequent to August 23, 1968.

3. Section Foreman G. T. Fornadley's record be cleared of this incident.

OPINION OF BOARD:

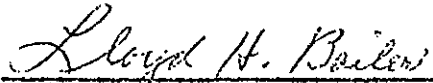
The record does not establish that Claimant Fornadley bore any responsibility in connection with the subject derailment. Claim therefore will be sustained for the involved difference in pay during the period that claimant was involuntarily demoted to section laborer. In addition, claimant's record shall be cleared of this incident.

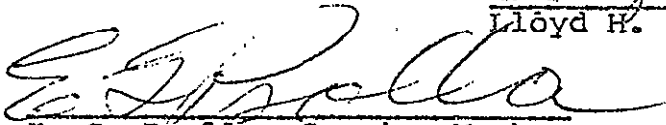
AWARD:

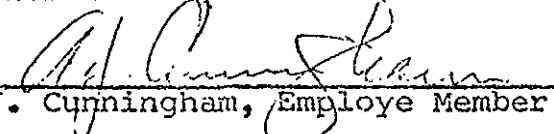
Claim disposed of in accordance with Opinion of Board.

ORDER:

Carrier shall comply with this award within 60 days from the date thereof.


Lloyd H. Bailer, Chairman


E. G. Psolla, Carrier Member


A. J. Cunningham, Employee Member

Dated: December 31, 1971