

PUBLIC LAW BOARD NO. 1838

Award No. 49

Docket MW-SD-79-3

Parties . Brotherhood of Maintenance of Way Employees
to and

Dispute: Norfolk and Western Railway Company

Statement of Claim: Discipline - D. L. Hall - Request for reinstatement on a leniency basis. (File MW-SD-79-3)

Findings: The Board, after hearing upon the whole record and all evidence, finds 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 dated March 1, 1976, that it has jurisdiction of the parties and the subject matter and that the parties were given due notice of the hearing held.

Claimant was dismissed from service as discipline for his absenteeism. An investigation was requested and held. However, nothing was adduced thereat that gave cause for Carrier to change the discipline assessed.

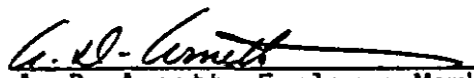
Claimant was accorded the due process to which entitled under his discipline rule. There was sufficient evidence to support Carrier's conclusion as to Claimant's guilt.

The Board finds justifiable cause to reinstate Claimant with all rights unimpaired but without pay for time out of service and that he be placed on a one (1) year probationary status. He is now afforded his last chance to demonstrate that he wants to work for the Carrier. If during this probationary period, Claimant fails to protect the requirements of Carrier's service and is unable to furnish justifiable cause to Carrier, Claimant's probationary status will terminate. Thereafter he will be subject to whatever degree of discipline the Carrier desires

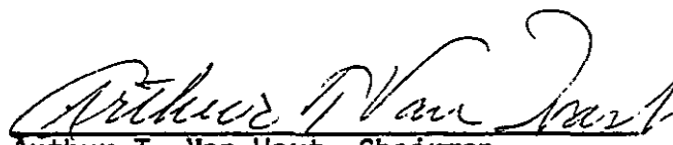
to impose.

Award: Claim disposed of per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.


A. D. Arnett, Employee Member


G. C. Edwards, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Wilmington, Delaware, March 13, 1981.