

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD No. 6394

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES)	
DIVISION – IBT RAIL CONFERENCE)	Case No. 110
)	
and)	
)	Award No. 110
NORFOLK SOUTHEN RAILWAY COMPANY (FORMER)	
NORFOLK & WESTERN RAILWAY COMPANY))	

Richard K. Hanft, Chairman and Neutral Member
Scott M. Goodspeed, Carrier Member
Zachary J. Wood, Organization Member

STATEMENT OF THE CLAIM: “Claim of the System Committee of the Brotherhood that:

1. The Carrier’s discipline (dismissal) of Mr. K. Breckenridge, issued by letter dated January 29, 2018, in connection with his alleged conduct unbecoming a Norfolk Southern employe, in connection with allegedly confessing to Norfolk Southern police that he had removed a registration sticker from a Company-owned vehicle and placed it on a personal vehicle, which was not registered to the Carrier was capricious, excessive, harsh and unwarranted (Carrier’s File MW-DECR-17-149-LM-906 NWR).
2. As a consequence of the violation referred to in Part 1 above, the Carrier shall immediately reinstate the Claimant with all rights and privileges, including, but not limited to pay for all lost time.”

FINDINGS:

Upon the whole record and all of the evidence, after hearing, the Board finds that the parties herein are carrier and employe within the meaning of the Railway Labor Act, as amended and this Board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

This Award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

The Claimant in this matter, the record shows, confessed to removing a vehicle registration sticker from a Carrier-owned hi-rail patrol vehicle on or about November 27, 2017 and placing it on a personal vehicle that he had given to his son.

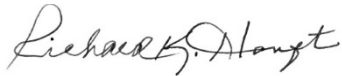
By letter dated February 15, 2018 Carrier informed Claimant that as a result of the evidence produced and the testimony given at a formal Investigation held on January 23, 2018, that he had been found responsible in connection with conduct unbecoming a Norfolk Southern employe and was, accordingly, dismissed from all service with the Norfolk Southern Railway Company.

After being progressed in the normal manner on the property, up to and including discussion in conference, the Claim remained declined, and this dispute is properly before this Board for final adjudication.

The Board determines that this case will be dismissed as Carrier and the Organization have come to an agreement during the pendency of the Claim before hearing to return Claimant to service. Accordingly, the Claim is dismissed as withdrawn.

Award:

Claim dismissed.



Richard K. Hanft, Chairman



Scott M. Goodspeed, Carrier Member



Zachary J. Wood, Employee Member

Dated at Chicago, Illinois, October 20, 2022