

NATIONAL MEDIATION BOARD
PUBLIC LAW BOARD No. 6394

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES)	
DIVISION – IBT RAIL CONFERENCE)	Case No. 138
)	
and)	
)	Award No. 138
NORFOLK SOUTHERN RAILWAY COMPANY (FORMER)	
NORFOLK & WESTERN RAILWAY COMPANY))	

Richard K. Hanft, Chairman and Neutral Member
Scott M. Goodspeed, Carrier Member
Adam N. Gilmour, Organization Member

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

1. The Carrier’s discipline (dismissal) of Mr. W. Bowman, II by letter dated October 5, 2021, in connection with his alleged improper performance of duty, in that on October 1, 2019, he fouled a live track (Track 906) in Conway, Pennsylvania, without having on-track protection, was capricious, excessive, harsh and unwarranted (Carrier’s File MW-PITT-19-71-SG-776 NWR).
2. As a consequence of the violation referred to in Part 1 above, Claimant W. Bowman, II shall now be fully reinstated and made whole for the substantial stress that has been inflicted upon him and any monetary loss including over time.”

FINDINGS:


Upon the whole record and all of the evidence, after hearing, the Board finds that the parties herein are carrier and employee 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 Board is advised that, subsequent to the docketing and briefing of this case, the parties have come to an agreement to settle the above-referenced matter. The claim is therefore dismissed.

Award:

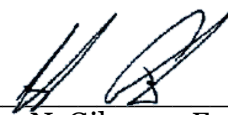
Claim dismissed.



Richard K. Hanft, Chairman



Scott M. Goodspeed, Carrier Member



Adam N. Gilmour, Employee Member

Dated at Chicago, Illinois, February 1, 2024.