

## NATIONAL MEDIATION BOARD

### PUBLIC LAW BOARD 6394

Brotherhood of Maintenance of Way Employees	)	
Division – IBT Rail Conference	)	
	)	Case No. 83
And	)	
	)	Award No. 83
Norfolk Southern Railway Company	)	
(Former Norfolk & Western Railway Company)	)	
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Richard K. Hanft, Chairman and Neutral Member  
Jed Dodd, Employee Member  
D. L. Kerby, Carrier Member

#### STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

1. The Carrier’s discipline (15 day actual suspension) of Mr. R. Iden, issued by letter dated February 23, 2015, in connection with his alleged non-compliance with the timely reporting requirements of Norfolk Southern Safety and General Conduct Rule N, which required him to promptly report any medical treatment to his supervisor, in that his January 2, 2015 notice to his supervisor that he had received medical attention between December 11, and December 30, 2014 including an MRI, for an on duty injury to his shoulder that he incurred on November 12, 2014 was untimely, was arbitrary, capricious and unwarranted (Carrier’s file MW-PITT-15-07-J.M-025 NWR).

2. As a consequence of the violation referred to in Part 1 above, Claimant R. Iden shall receive maximal remedy allowed under Rule 30(d) of the Agreement.”

#### FINDINGS:

Public Law Board 6349, upon the whole record and all of the evidence, finds and holds that Employee and Carrier are employee and carrier within the meaning of the Railway Labor Act, as amended; and, that the Board has jurisdiction over the dispute herein; and, that the parties to the dispute were given due notice of the hearing thereon and did participate therein.

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

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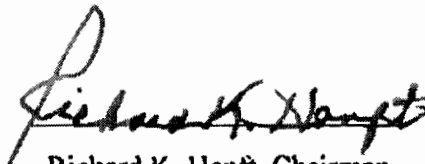
Public Law Board No. 6394

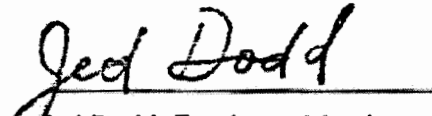
Award No. 83

The dispute in this matter was resolved before oral hearing. Claimant has agreed to release all claims against the Carrier. Accordingly, the Claim is moot and dismissed.

Award:

Claim dismissed.

  
Richard K. Hanft, Chairman

  
Jed Dodd, Employee Member

  
D. L. Kerby, Carrier Member

Dated at Chicago, Illinois, January 12, 2018