

SPECIAL BOARD OF ADJUSTMENT NO. 1048

Award NO. 101

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

Norfolk Southern Railway Company

Statement of Claim:

Claim on behalf of J. K. Wolford for reinstatement with seniority, vacation and all other rights unimpaired and pay for all time lost as a result of his dismissal from service following a formal investigation on January 18, 2000, for failure to properly report an alleged on-duty injury on December 8, 1999 and making false statements and malingering in connection with such alleged injury.

(Carrier File MW-ROAN-99-75-MS-513)

Upon the whole record and all 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.


AWARD

After thoroughly reviewing and considering the on-property record and the parties' presentations, the Board finds that the claim should be disposed of as follows:

The Carrier met its burden in proving the charge against the Claimant involving his failure to report a personal injury he allegedly incurred and for falsifying the nature of that alleged injury. Claim denied.



C. P. Fischbach
Chairman and Neutral Member



R. A. Lau
Organization Member



D. L. Kerby
Carrier Member

Issued at Norfolk, VA on September 10, 2000