

**SPECIAL BOARD OF ADJUSTMENT NO. 1048**

**AWARD NO. 171**

Parties to Dispute:

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**

**AND**

**NORFOLK SOUTHERN RAILWAY COMPANY**

**Statement of Claim:**

Claim on behalf of L. D. Johnson for reinstatement with all rights and privileges and pay for all time lost as a result of his dismissal from service following a formal investigation on February 13, 2008, in connection with two charges: 1) violation of Norfolk Southern Highway Vehicle Operator's Manual (HVO) Rules 2 and 39, in that he failed to notify the Carrier that his Commercial Driver's License (CDL) was suspended effective December 6, 2007, and he operated Carrier vehicles after his CDL was suspended; 2) conduct unbecoming an employee in making false and conflicting statements concerning the status of his CDL when he was questioned by Carrier supervision on January 21, 2008.

(Carrier File MW-DECR-08-05-LM-046)

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.

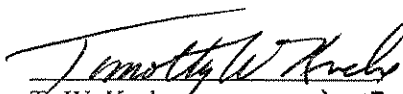

**AWARD**

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

The Board has been provided with a copy of a signed statement by Claimant resigning his employment with Carrier and stating that he does not wish to pursue any claim to reinstate his position. Accordingly, the claim is moot and is hereby dismissed.



M. H. Malin  
Chairman and Neutral Member

  
T. W. Kreke  
Organization Member  
12-17-08  
D. L. Kerby  
Carrier Member  
12-17-08

Issued at Chicago, Illinois on November 30, 2008