

SPECIAL BOARD OF ADJUSTMENT NO. 1048

AWARD NO. 172

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

NORFOLK SOUTHERN RAILWAY COMPANY

Statement of Claim:

Claim on behalf of R. D. Farmer for reinstatement with pay for all lost time, and seniority and vacation unimpaired as a result of his dismissal from service following a formal investigation on February 14, 2008, concerning his:

- Violation of Norfolk Southern Safety and General Conduct Rule N, in that on January 18, 2008, he alleged that on or about March 5, 2006, he injured his right shoulder while fighting a fire at the Blacklick Bridge but failed to report the alleged injury to his immediate supervisor and complete and sign a written report of the alleged incident before leaving Company premises;
- Conduct unbecoming an employee and making false and conflicting statements concerning the alleged on-duty injury.

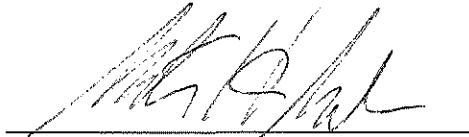
(Carrier File MW-BLUE-08-14-BB-060)

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:

It appears that this claim has been resolved on the property. Accordingly, the claim is moot and is hereby dismissed.




M. H. Malin

Chairman and Neutral Member



T. W. Kreke / 12-17-08
Organization Member



D. L. Kerby 12-17-08
Carrier Member

Issued at Chicago, Illinois on November 30, 2008