

SPECIAL BOARD OF ADJUSTMENT NO. 1048

Award No. 25

Parties to Dispute:

Brotherhood of Maintenance of Way Employees

and

Norfolk and Western Railway Company

Statement of Claim:

Claim on behalf of M. A. Breedlove requesting pay for all lost time, with seniority and vacation unimpaired, as a result of his dismissal following a July 8, 1991 investigation in which he was charged with giving false information concerning and falsification of an alleged on duty injury which, on April 19, 1991, he for the first time alleged occurred on March 28, 1991, when he may have hit his arm on hyrail equipment.

[File Number MW-ROAN-91-27]

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.

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

AWARD

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

*The relative convincing force of the testimony and evidence supports the conclusion as reached by the Carrier. Therefore, the claim for reinstatement and pay is denied.*

*James E. Mason*  
James E. Mason

*Richard A. Lau*  
Richard A. Lau  
Organization Member

*L. F. Miller, Jr.*  
L. F. Miller, Jr.  
Carrier Member

Issued at Palm Coast, Florida on December 17, 1991