

SPECIAL BOARD OF ADJUSTMENT NO. 1048

Award No. 26

Parties to Dispute:

Brotherhood of Maintenance of Way Employees

and

Norfolk and Western Railway Company

Statement of Claim:

Claim on behalf of W. L. Vaughn requesting reinstatement with seniority and vacation unimpaired and pay for all time lost as the result of his dismissal for failing to follow General Division Engineer Harris' instructions of May 6, 1991 to have a physical examination to determine his fitness for service.

[File Number MW-ROAN-91-31-SG-149]

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:

Claim is denied. There is substantial probative evidence in the record to support the charges as made.


James E. Mason


Richard A. Lau
Organization Member


L. F. Miller, Jr.
Carrier Member

Issued at Palm Coast, Florida on December 17, 1991