

SPECIAL BOARD OF ADJUSTMENT NO. 1048

Award No. 32

Parties to Dispute:

Brotherhood of Maintenance of Way Employees

and

Norfolk and Western Railway Company

Statement of Claim:

Claim on behalf of G. A. Pratt requesting reinstatement and pay as a result of his dismissal for conduct unbecoming an employee, improper performance of section foreman duties, and failure to comply with Company Policy in regard to daily exercises in connection with incidents of December 12, 13, and 23, 1991.

[Carrier file MW-BLUE-91-40-LM-456]

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 SUSTAINED TO THE EXTENT THAT PRATT IS TO  
BE REINSTATED WITHOUT BACK PAY IN THE RAILS  
Below Foreman or Asst. Foreman.*

*Thomas J. DiLauro*  
Thomas J. DiLauro

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

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

Issued at Philadelphia, Pennsylvania on August 3, 1992