

SPECIAL BOARD OF ADJUSTMENT NO. 1048

Award NO. 40

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

NORFOLK AND WESTERN RAILWAY COMPANY

Statement of Claim:

Claim on behalf of R. W. Barbour requesting reinstatement and pay for time lost as a result of his dismissal for violation of Operating Rule 829 on August 26, 1992.

[Carrier File: MW-ROAN-92-42-SG-205]

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

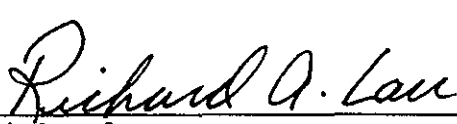
After thoroughly reviewing and considering the transcript and the parties' presentations, the Board finds that the claim should be disposed of as follows:

~~The discipline of dismissal is modified to a six month suspension.~~

~~Claimant shall be returned to duty and paid for all losses sustained in excess of six months from the date of his dismissal.~~

~~Claim sustained, as modified herein.~~


John C. Fletcher


Richard A. Lau
Organization Member


E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, Virginia on August 30, 1993

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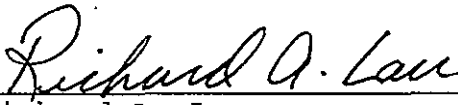
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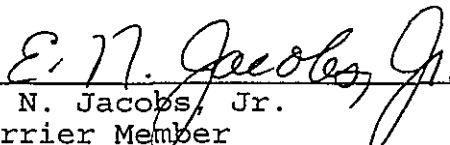
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