JOHN C. FLETCHER, CHAIRMAN & NEUTRAL MEMBER
R. A. LAU, ORGANIZATION MEMBER
E. N. JACOBS, JR., CARRIER MEMBER

BROTHERHOOD OF MAINTENANCE OF
   WAY EMPLOYEES

and

NORFOLK WESTERN RAILWAY COMPANY

Award No. 49

Hearing Date - January 27, 1994
Date of Decision - February 10, 1994

Statement of Claim:

Claim on behalf of H. L. Treolo, Jr., requesting that he be reinstated to service and paid for time lost, as a result of his dismissal from service following formal investigation held on January 6, 1993, in connection with his failure to comply with Company policy by failing to cooperate with the rehabilitation required by the DARS Program. [Carrier File: MW-CHAR-92-10]

FINDINGS:

Special Board Adjustment No. 1048, upon the whole record and all of the evidence, finds and holds that the Employee(s) and Carrier(s) are employee and carrier within the meaning of the Railway Labor Act, as amended, and that the Board has jurisdiction over the dispute(s) herein and that the parties to the dispute(s) were given due notice of the hearing thereon and did participate therein.

AWARD

After thoroughly reviewing and considering the transcript and the parties presentations, the Board finds that the claim should be disposed of as follows:
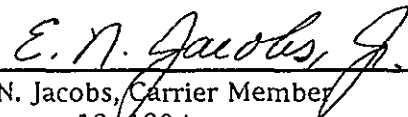
Within 30 days of the date of this Award, Claimant is directed to present himself to Carrier for cooperation with the rehabilitation required by the DARS Program. Following this re-entry into the DARS Program, Upon successfully demonstrating that he is rehabilitated and in compliance with the Program, Claimant shall be returned to duty. No compensation or other benefits are awarded for the time out of service.

John C. Fletcher, Chairman & Neutral Member

R. A. Lau, Organization Member   E. N. Jacobs, Carrier Member
Issued at Mt. Prospect, Illinois, February 10, 1994

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