

NATIONAL MEDIATION BOARD
Special Board of Adjustment No. 1048

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 AND WESTERN RAILWAY COMPANY

Award No. 58

Hearing Date - December 12, 1994

Statement of Claim:

Claim on behalf of J. Cutshaw requesting that he be reinstated to service and paid for time lost as a result of his dismissal from all service following formal investigation held on April 20, 1994 in connection with conduct unbecoming an employee involving a criminal conviction of burglary of a dwelling with assault and criminal mischief.

FINDINGS:

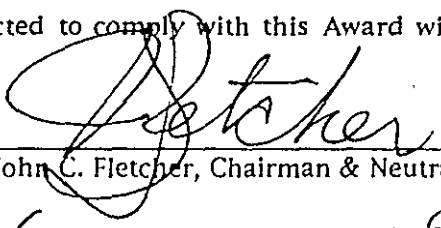
Special Board Adjustment No. 1048, upon the whole record and all of the evidence, finds and holds that the Employee(s) and Carrier(s) are employee and carrier within the meaning of the Railway Labor Act, as amended, and that the Board has jurisdiction over the dispute(s) herein and that the parties to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

AWARD

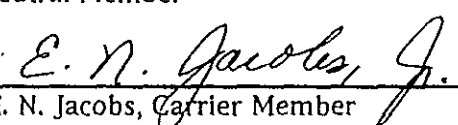
After thoroughly reviewing and considering the transcript and the parties presentations, the Board finds that the claim should be disposed of as follows:

Claimant shall be restored to service with seniority and other benefits in place, but without compensation for time lost.

Carrier is directed to comply with this Award within forty-five days of the date indicated below.


John C. Fletcher, Chairman & Neutral Member


R. A. Lau, Organization Member


E. N. Jacobs, Jr., Carrier Member

Issued at Fort Lauderdale, Florida, December 12, 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