

SPECIAL BOARD OF ADJUSTMENT NO. 1048

Award NO. 62

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

Norfolk and Western Railway

Statement of Claim:

Claim on behalf of D. A. Flynn requesting that he be reinstated to service with his seniority and paid for all time lost as a result of his dismissal from service following investigation held on May 31, 1995, for violations of Rules GR-5, GR-6, L, and Rule 1 of Form HV-1, all pertaining to his conduct unbecoming an employee in that, on May 12, 1995, while on duty and under pay by the Carrier, he used his assigned Company vehicle and Company material and supplies without authorization to perform work on equipment not belonging to the Carrier.

[Carrier File: MW-CHAR-95-04]

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.

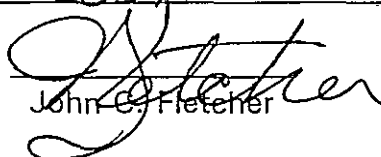
AWARD

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

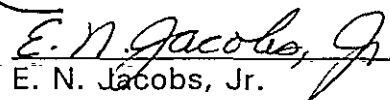
CLAIMANT SHALL BE RETURNED TO SERVICE
WITH SENIORITY AND BENEFITS, BUT WITHOUT
PAY FOR TIME LOST.



Richard A. Lau
Organization Member



John C. Fletcher



E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, VA on October 17, 1996