

SPECIAL BOARD OF ADJUSTMENT NO. 1048

Award NO. 64

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

AND

Norfolk and Western Railway

Statement of Claim:

Claim on behalf of M. R. Anderson, S. Monroe, Jr., and L. Ruffin requesting that they each be exonerated of all charges and paid for all time lost as a result of each of their suspensions (10 days, 10 days, and 20 days, respectively) from service, following letters dated December 19, 1994, addressed to each Claimant in connection with the determination that each Claimant was guilty of dereliction of duty for playing cards at approximately 3:00 p.m. on October 14, 1994, wherein evidence adduced at the formal investigation held on December 5, 1994 determined their culpability.

[Carrier File: MW-ROAN-94-50-BB-252]

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:

CLAIMANTS WERE GUILTY OF PLAYING CARDS ON DUTY.
THE BOARD THOUGH WILL REDUCE THEIR
SUSPENSIONS BY ONE-HALF (1/2).
CLAIM DENIED IN PART AND SUSTAINED IN PART.

R. A. Lau

Richard A. Lau
Organization Member

John C. Fletcher

[Signature]

E. N. Jacobs, Jr.

E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, VA on October 17, 1996