

SPECIAL BOARD OF ADJUSTMENT NO. 1048

Award NO. 65

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

Norfolk and Western Railway

Statement of Claim:

Claim on behalf of J. J. Oliver requesting reinstatement with all rights and privileges and paid all straight time and overtime that he would have incurred as a result of his conduct on July 27, 1995, when he acted in an insubordinate and argumentative manner toward a supervisor and vacated his position without proper authority, when he left a supervisor-employee meeting.

(Carrier File MW-ROAN-95-39-BB-131)

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.

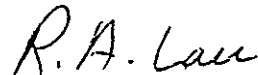
This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

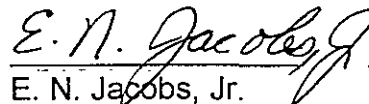
AWARD

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

AN AWARD FAVORABLE TO CLAIMANT WILL NOT
BE MADE.


John C. Fletcher


Richard A. Lau
Organization Member


E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, VA on October 16, 1996