

SPECIAL BOARD OF ADJUSTMENT NO. 1048

Award NO. 72

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

Norfolk and Western Railway

Statement of Claim:

Claim on behalf of T. A. Dalton requesting reinstatement and pay for time lost as the result of a December 4, 1995 investigation in connection with his responsibility in committing an unsafe act and violating instructions, when the gang under his supervision set a track drill on the rail, without his arranging for proper protection from rail traffic, while installing a guard rail on 10 lead near the West End Tower at Lamberts Point Yard at approximately 11:20 a.m., November 10, 1995.

[Carrier File: MW-ROAN-95-57-LM-230]

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.

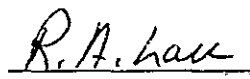
This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

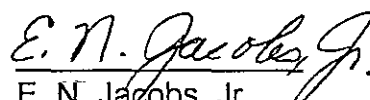
AWARD

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 RESTORED TO SERVICE BUT WITHOUT  
PAY FOR TIME LOST.

  
John C. Fletcher

  
Richard A. Lau  
Organization Member

  
E. N. Jacobs, Jr.  
Carrier Member

Issued at Norfolk, VA on October 16, 1996