

**SPECIAL BOARD OF ADJUSTMENT NO. 1048**

**Award NO.79**

Parties to Dispute:

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**

**AND**

**Norfolk and Western Railway**

Statement of Claim:

Claim on behalf of E. Walker requesting that he be reinstated and paid for time lost as a result of his dismissal from service following formal investigation held on November 5, 1996, in connection with his falsification of an alleged on duty injury and failure to properly and timely report said alleged injury.

[Carrier File: MW-ROAN-96-29]

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.

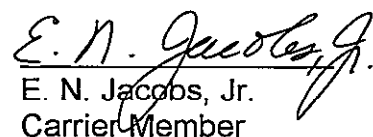
**AWARD**

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

*Charge supported by substantial evidence in the record - Claim Denied.*

  
Gerald E. Wallin

  
D. D. Bartholomay  
Organization Member

  
E. N. Jacobs, Jr.  
Carrier Member

Issued at Norfolk, VA on February 26, 1998