

SPECIAL BOARD OF ADJUSTMENT NO. 1048

Award NO.80

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

AND

Norfolk and Western Railway

Statement of Claim:

Claim on behalf of V. A. Thomas requesting reinstatement with all rights and privileges and paid for time lost, as a result of his dismissal from service following formal investigation held on May 20, 1997, for conduct unbecoming an employee for giving false and conflicting information concerning the nature of an alleged on-duty injury reported to have occurred at Milepost V-276.4 near Ellett, Virginia, March 26, 1997 in that his physical activities were inconsistent with and misrepresented his alleged condition.

(Carrier File MW-ROAN-97-45-LM-196)


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.

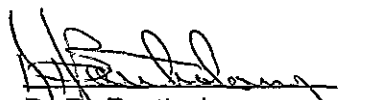
This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.


AWARD

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

Claim sustained in part. Reinstated, but without back pay.


Gerald E. Wallin


D. D. Bartholomay
Organization Member


E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, VA on February 26, 1998.