

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award No. 10

Parties to Dispute:

Brotherhood of Maintenance of Way Employees

and

Norfolk Southern Railway Company

Statement of Claim:

C. J. Benton-Request for reinstatement and pay account dismissed for violation of Rules M and 1000 and persistent unsafe work practices [file number MW-GNVL-90-10].

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

Claim disposed of as follows:

*Claimant is to be returned to service with seniority
unimpaired but without compensation for the time he
has been out of service.*

James E. Mason
James E. Mason

Richard A. Lau
Richard A. Lau
Organization Member

E. F. Miller, Jr.
E. F. Miller, Jr.
Carrier Member

Issued at Norfolk, Virginia, May 29, 1991