

SPECIAL BOARD OF ADJUSTMENT NO. 1049

AWARD NO. 154

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

AND

NORFOLK SOUTHERN RAILWAY COMPANY

Statement of Claim:

Claim on behalf Z. S. Huntley requesting that he be made whole with pay for all time lost with seniority and vacation unimpaired as a result of his 30 day actual suspension assessed following a formal investigation held October 13, 2005, in connection with violation of Norfolk Southern Corporation Safety and General Conduct Rule GR-5 in that on the evening of September 20, 2005, and the morning of September 21, 2005, he did not allow himself proper rest and did not work on September 21, 2005.

(Carrier File MW-GNVL-05-13A-BB-329)

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.

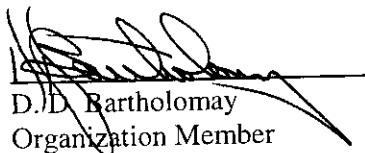
AWARD

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

In Case No. 155, we denied Claimant's claim arising out of his dismissal. Claimant was removed from service for the incident that resulted in his dismissal prior to the instant suspension. Consequently, even if we were to sustain the instant claim, Claimant would be entitled to no relief. Accordingly, the instant claim is moot and is hereby dismissed.



M. H. Malin
Chairman and Neutral Member



D.D. Bartholomay
Organization Member



D.L. Kerby
Carrier Member

Issued at Chicago, Illinois on October 30, 2006