

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award No. 35

Parties to Dispute:

Brotherhood of Maintenance of Way Employees

and

Norfolk Southern Railway Company

Statement of Claim:

Claim on behalf of Leon Brown requesting reinstatement with all rights unimpaired and pay for time lost as a result of his dismissal in connection with falsification of an alleged on-duty injury reported on November 1, 1991.
[Carrier File MW-ATLA-91-16-LM-406]


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.

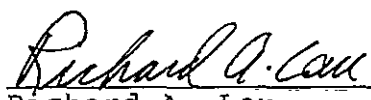
This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

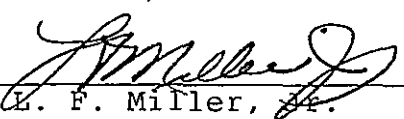
AWARD

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

*SUSTAINED IN FULL. CARRIER DID NOT PROVE THE
CLAIM SO IT IS REMOVED FROM RECORD. NO BOARD
DECISION AND AWARD 36 IS ELIMINATED BACK-PAY AWARD.*


Thomas J. DiLauro


Richard A. Lau
Organization Member


L. F. Miller, Jr.
Carrier Member

Issued at Philadelphia, Pennsylvania on August 3, 1992