

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award No. 39

Parties to Dispute:

Brotherhood of Maintenance of Way Employees

and

Norfolk Southern Railway Company

Statement of Claim:

Claim on behalf of J. T. Keith requesting restoration with seniority and other rights unimpaired and compensation for lost time as a result of his dismissal for sleeping while on duty on March 27, 1991.

[Carrier file MW-SOMS-91-6-LM-082]

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:

*RESTORATION WITH-OUT BACK PAY.*

  
Thomas G. DiLauro

  
Richard A. Lau  
Organization Member

  
L. F. Miller, Jr.  
Carrier Member

Issued at Philadelphia, Pennsylvania on August 3, 1992