

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award NO. 42

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

NORFOLK SOUTHERN RAILWAY COMPANY

Statement of Claim:

Claim on behalf of J. L. Spearman requesting reinstatement with rights unimpaired and pay for time lost on account of his dismissal in connection with failing to properly report an injury and falsification of an alleged on-duty injury.

[Carrier File Number MW-GNVL-91-20-BB-460]

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.

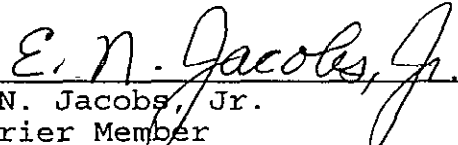
AWARD

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

~~The investigation established that Claimant, a short term employee, was guilty of serious violations of Carrier Rules N and 1000. Discipline was warranted. Injuries must be promptly reported to ensure adequate treatment and guard against unwarranted liability. Nonetheless, the Board feels that Claimant should be afforded another opportunity to be a productive employee. Accordingly, he shall be reinstated to service but without pay for time lost. Claim sustained, as modified herein.~~


John C. Fletcher


Richard A. Lau
Organization Member


E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, Virginia on August 30, 1993