

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award NO. 44

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

NORFOLK SOUTHERN RAILWAY COMPANY

Statement of Claim:

Claim on behalf of Mr. D. L. Parham for reinstatement to service as result of investigation held July 6, 1992, in connection with Assistant Division Engineer Merilli's written instructions to contact his office for a return-to-work physical or furnish medical information to substantiate the claim of continued disability.

[Carrier File MW-BHAM-92-4]

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

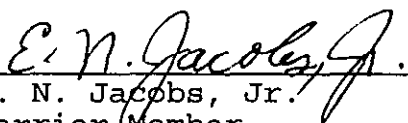
After thoroughly reviewing and considering the transcript and the parties' presentations, the Board finds that the claim should be disposed of as follows:

Claimant's resignation makes this matter moot.

The Claim is dismissed as moot.


John C. Fletcher


Richard A. Lau
Organization Member


E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, Virginia on August 30, 1993