

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award NO. 45

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

NORFOLK SOUTHERN RAILWAY COMPANY

Statement of Claim:

Claim on behalf of R. V. Rast requesting that he be reinstated with his seniority and paid for all time lost because of his dismissal from service as a result of investigation held on June 1, 1992, in connection with his falsifying a report of an occupational illness on May 14, 1992.

[Carrier File: MW-KNOX-92-1-BB]


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 was guilty of the
Charges in the notice. The discipline of dismissal will not
be disturbed.
Claim denied.


John C. Fletcher


Richard A. Lau
Organization Member


E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, Virginia on August 30, 1993