

NATIONAL MEDIATION BOARD  
Special Board of Adjustment No. 1049

JOHN C. FLETCHER, CHAIRMAN & NEUTRAL MEMBER  
R. A. LAU, ORGANIZATION MEMBER  
E. N. JACOBS, JR., CARRIER MEMBER

BROTHERHOOD OF MAINTENANCE OF  
WAY EMPLOYEES

and

NORFOLK SOUTHERN RAILWAY COMPANY

Award No. 48

Hearing Date - January 27, 1994  
Date of Decision - February 10, 1994

Statement of Claim:

Claim of V. L. Harding requesting that he be reinstated to service and paid for time lost, as a result of his dismissal following formal investigation held on January 6, 1993, in connection with his falsifying an on-duty injury allegedly occurring at Concord, NC. [Carrier File: GNVL-92-17]

**FINDINGS:**

Special Board Adjustment No. 1049, upon the whole record and all of the evidence, finds and holds that the Employee(s) and Carrier(s) are employee and carrier within the meaning of the Railway Labor Act, as amended, and that the Board has jurisdiction over the dispute(s) herein and that the parties to the dispute(s) were given due notice of the hearing thereon and did participate therein.

**AWARD**

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

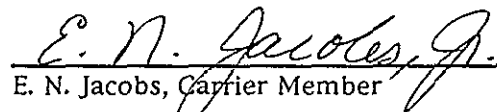
Claimant shall be restored to service with seniority and other benefits in place, but without compensation for time lost. Carrier is directed to comply with this Award within thirty days of the date indicated below.



John C. Fletcher, Chairman & Neutral Member



R. A. Lau, Organization Member



E. N. Jacobs, Jr., Carrier Member

Issued at Mt. Prospect, Illinois, February 10, 1994

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