

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. 49

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

Statement of Claim:

Claim on behalf of B. E. Thomas requesting that he be reinstated to service and paid for time lost, as a result of his dismissal from service following formal investigation held on February 9, 1993, in connection with his conduct unbecoming an employee in absentsing himself from service without permission and allowing time to be turned in on payroll for time during which he performed no service. [Carrier File - MW-GNVL-93-1]

FINDINGS:

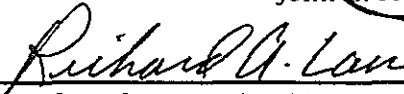
Special Board Adjustment No. 1049, upon the whole record and all of the evidence, finds and holds that the Employee(s) and Carrier(s) are employee and carrier within the meaning of the Railway Labor Act, as amended, and that the Board has jurisdiction over the dispute(s) herein and that the parties to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

The record in this matter leaves no doubt that Claimant was absent from his assigned duties without permission. Further, it is adequately established that he allowed time to be turned in on payroll documents for dates on which he performed no service. Accordingly, discipline was warranted. This is the second time Claimant has been before this Board in a dismissal situation. On November 12, 1990 Claimant was dismissed for being asleep while on duty. In our Award No. 18, he was reinstated to service. The Board is not inclined to do so again. It is apparent that Claimant treats his obligations lightly. The discipline will not be disturbed.


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