

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. 50

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

Statement of Claim:

Claim on behalf of P. J. Irby 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 24, 1993, in connection with his leaving his job without proper authority, while the contractor continued to work. [Carrier File: MW-GNLV-93-3]

**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 evidence in the record leaves no doubt that Claimant left his flagging job on February 11, 1993, while the contractor was still working. His sole work function on February 11, 1993, was to provide flagging protection for the contractor working on the bridge. He intentionally ignored this responsibility. There simply is no excuse for his conduct. The violation was serious. The discipline assessed 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