

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. 54

Hearing Date - December 12, 1994

Statement of Claim:

Claim on behalf of E. T. Stewart requesting reinstatement and pay for time lost as a result of his dismissal which followed the formal investigation on December 1, 1993 in connection with his conduct unbecoming an employee in his unauthorized use of Company equipment for personal gain on October 1, 1993.

**FINDINGS:**

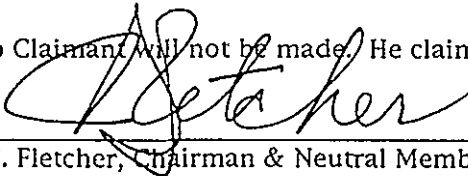
Special Board Adjustment No. 1049, upon the whole record and all of the evidence, finds and holds that the Employee(s) and Carrier(s) are employee and carrier within the meaning of the Railway Labor Act, as amended, and that the Board has jurisdiction over the dispute(s) herein and that the parties to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

Ample evidence was developed to support a conclusion that Claimant was guilty of the charges on which discipline was issued. The discipline will not be disturbed.

An award favorable to Claimant will not be made. His claim is denied.

  
John C. Fletcher, Chairman & Neutral Member

  
R. A. Lau, Organization Member

  
E. N. Jacobs, Jr., Carrier Member

Issued at Fort Lauderdale, Florida, December 12, 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