

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award No. 72

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

AND

Norfolk Southern Railway Company

Statement of Claim:

Claim on behalf of H. Taylor, Jr. requesting reinstatement and pay for time lost as the result of a February 13, 1996 investigation in connection with conduct unbecoming an employee concerning fraudulent use of Norfolk Southern letterhead, on which he typed a statement and submitted it to his home insurance company over the forged signature of Norfolk Southern B&B Supervisor M. L. Loy, III, in attempt to improperly and dishonestly attain personal monetary gain from his home insurance company for a NS-owned radio allegedly stolen from his residence.

[Carrier File: MW-BHAM-95-16-BB-282]

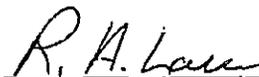
Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

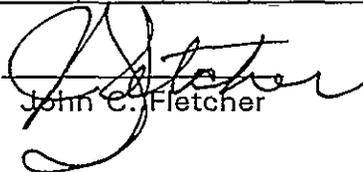
This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

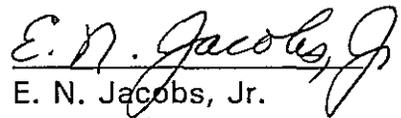
AWARD

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

CLAIMANT WAS GUILTY OF MISCONDUCT. THE DISCIPLINE WAS EXCESSIVE. HE SHALL BE RESTORED TO SERVICE, BUT WITHOUT PAY FOR TIME LOST.


Richard A. Lau
Organization Member


John C. Fletcher


E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, VA on October 16, 1996