

**SPECIAL BOARD OF ADJUSTMENT NO. 1049**

**Award No. 84**

Parties to Dispute:

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES**

**AND**

**Norfolk Southern Railway Company**

Statement of Claim:

Claim on behalf of L. K. Scott requesting reinstatement with all rights and privileges and paid all straight time and overtime that he would have incurred as a result of his falsification of an on-duty injury report of July 23, 1996, and conduct unbecoming an employee, concerning malingering in misrepresenting his condition as the result of an alleged on-duty injury of July 23, 1996.

(Carrier File MW-ATLA-96-10-LM-223)

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.

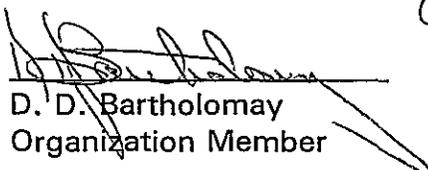
This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

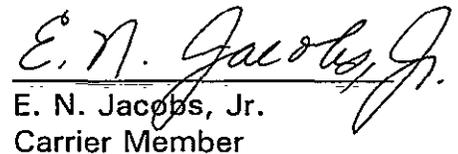
**AWARD**

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

*The charge is supported by substantial evidence in the record. Claim denied.*

  
Gerald E. Wallin

  
D. D. Bartholomay  
Organization Member

  
E. N. Jacobs, Jr.  
Carrier Member