

SPECIAL BOARD OF ADJUSTMENT NO. 1048

AWARD NO. 140

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

NORFOLK SOUTHERN RAILWAY COMPANY

Statement of Claim:

Claim on behalf of D. M. Dickinson for reinstatement to service with seniority, vacation, and all other rights unimpaired and pay for all time lost as a result of his dismissal from service following a formal investigation held on September 30, 2003 for his conduct unbecoming an employee for making false and conflicting statements in connection with a vehicle accident involving a company vehicle on March 27, 2001.

(Carrier File MW-ROAN-03-32-LM-192)

FINDINGS

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.

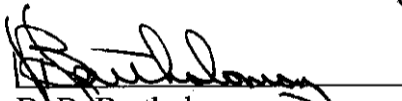
This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

After hearing, the Board was advised that Claimant reached a settlement with Carrier that renders this claim moot. Therefore, the claim is dismissed.

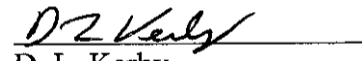


Mark D. Selbert

Chairman and Neutral Member



D. D. Bartholomay
Organization Member



D. L. Kerby
Carrier Member

Issued at Saint Augustine, Florida on January 17, 2005.