

SPECIAL BOARD OF ADJUSTMENT NO. 1048

AWARD NO. 181

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

NORFOLK SOUTHERN RAILWAY COMPANY

Statement of Claim:

Claim on behalf of D. M. Harrison for reinstatement to service with seniority, vacation and all other rights unimpaired and pay for time lost as a result of his dismissal from service following a formal investigation held on April 29, 2009, in connection with engaging a co-worker in a physical altercation and threatening him with a pocket knife on March 9, 2009.

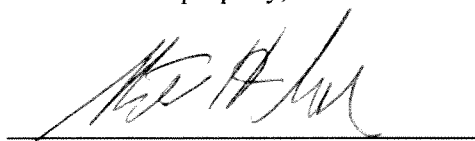
(Carrier File MW-HARR-09-04-SG-116)

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.

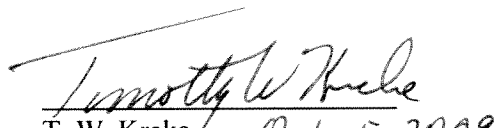
AWARD

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

It appearing that the claim was resolved on the property, the claim is dismissed as moot.

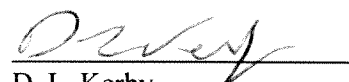


M. H. Malin
Chairman and Neutral Member



T. W. Kreke
Organization Member

Oct. 5, 2009



D. L. Kerby
Carrier Member

Issued at Chicago, Illinois on September 24, 2009.