

NATIONAL MEDIATION BOARD
Special Board of Adjustment No. 1048

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 WESTERN RAILWAY COMPANY

Award No. 41

Hearing Date - January 27, 1994
Date of Decision - February 10, 1994

Statement of Claim:

Claim on behalf of S. R. Stimeling for removal of a thirty-day actual suspension and pay for time lost, as a result of a formal investigation held on February 18, 1993, in connection with negligent performance of duty

[Carrier File: MW-ROAN-93-01]

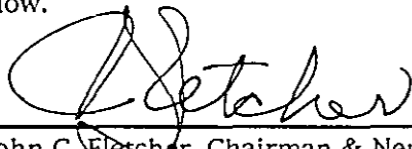
FINDINGS:

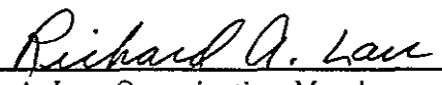
Special Board Adjustment No. 1048, upon the whole record and all of the evidence, finds and holds that the Employee(s) and Carrier(s) are employee and carrier within the meaning of the Railway Labor Act, as amended, and that the Board has jurisdiction over the dispute(s) herein and that the parties to the dispute(s) were given due notice of the hearing thereon and did participate therein.

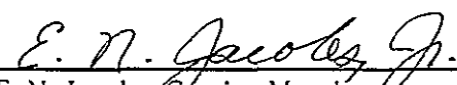
AWARD

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

The discipline assessed is flawed because Carrier failed to comply with the time limit provisions of the Agreement. Claimant to be paid for all time lost. All references to the incident and investigation shall be expunged from Claimant's service record. Carrier is ordered to make any payments required by the terms of this Award within thirty days of the date indicated below.


John C. Fletcher, Chairman & Neutral Member


R. A. Lau, Organization Member


E. N. Jacobs, Jr., Carrier Member

Issued at Mt. Prospect, Illinois, February 10, 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