

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. 46

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

Statement of Claim:

Claim on behalf of M. Scott requesting removal of a thirty day actual suspension from service and pay for time lost, as a result of formal investigation held on January 14, 1993, in connection with his participation in an attempt to violate company purchasing instructions involving splitting of invoices.

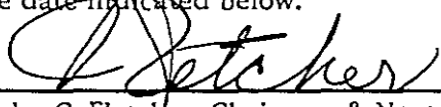
FINDINGS:

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 misconduct involved in the charge occurred when Claimant was explicitly directed by his Supervisor to have the vendor installing a radio in his vehicle split invoices so that the charges on each did not exceed \$300.00, which would then require prior approval for the purchase. While Claimant participated in the scheme, he did so at the direction of his Supervisor. In the circumstances present here discipline is not warranted. It is rescinded, and Carrier is directed to make payments covering wage losses within thirty days of the date indicated below.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