

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 AND WESTERN RAILWAY COMPANY

Award No. 53

Hearing Date - December 12, 1994

Statement of Claim:

Claim on behalf of L. L. Johnson requesting reinstatement and pay for time lost as a result of his dismissal for failure to follow instructions, failure to properly and safely dismount from a spiker machine, and failure to protect his assignment.

FINDINGS:

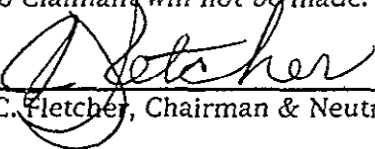
Special Board Adjustment No. 1048, upon the whole record and all of the evidence, finds and holds that the Employee(s) and Carrier(s) are employee and carrier within the meaning of the Railway Labor Act, as amended, and that the Board has jurisdiction over the dispute(s) herein and that the parties to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

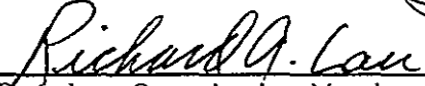
AWARD

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

Ample evidence was developed to support a conclusion that Claimant was guilty of the charges on which discipline was issued. The discipline will not be disturbed.

An award favorable to Claimant will not be made. The claim is denied.


John C. Fletcher, Chairman & Neutral Member


R. A. Lau, Organization Member


E. N. Jacobs, Jr., Carrier Member

Issued at Fort Lauderdale, Florida, December 12, 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