

SPECIAL BOARD OF ADJUSTMENT NO. 1048

Award No. 6

Parties to Dispute:

Brotherhood of Maintenance of Way Employees

and

Norfolk and Western Railway Company
(former Virginian)

Statement of Claim:

W. B. Burnette - Claim for reinstatement and back pay
resulting from dismissal for failure to protect assignment
and failure to follow instructions [MW-ROAN-90-40-LM-176].

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.


AWARD

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

*Reinstatement without pay or benefits but
with seniority unimpaired*


Thomas J. DiLauro


Richard A. Lau
Organization Member


L. F. Miller, Jr.
Carrier Member

Issued at Norfolk, Virginia, September 4, 1991