

SPECIAL BOARD OF ADJUSTMENT NO. 1048

Award NO. 61

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

Norfolk and Western Railway

Statement of Claim:

Claim on behalf of G. B. Slusser requesting that he be reinstated to service and paid for time lost as a result of his dismissal from service following formal investigation held on September 9, 1994, in connection with his failure to comply with Company Policy and the instructions of the Carrier's Medical Director in that he did not cooperate with the rehabilitation required by the DARS Program.

[Carrier File: MW-ROAN-94-28]

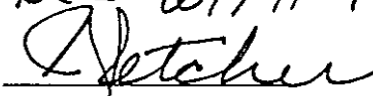
Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

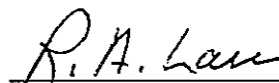
This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

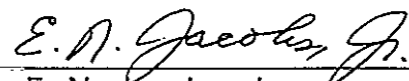
AWARD

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

CLAIMANT SHALL BE GIVEN A LAST "CHANCE."  
HE SHALL BE RETURNED TO CARRIER'S DARS  
WITHIN 30 DAYS AND MAY BE RETURNED TO  
DUTY IN ACCORDANCE WITH THAT PROGRAM.

  
John C. Fletcher

  
Richard A. Lau  
Organization Member

  
E. N. Jacobs, Jr.  
Carrier Member

Issued at Norfolk, VA on October 17, 1996