

SPECIAL BOARD OF ADJUSTMENT NO. 1048

Award NO. 66

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

Norfolk and Western Railway

Statement of Claim:

Claim on behalf of C. L. Rion appealing his thirty (30) day suspension which resulted from the formal investigation of April 17, 1995, in connection with his improper performance of duties on March 28, 1995, when there occurred a collision between Spiking Gang No. 1 machines, near Milepost NB-378.5, at approximately 1:30 p.m.

[Carrier File: MW-ROAN-95-15-LM-037]

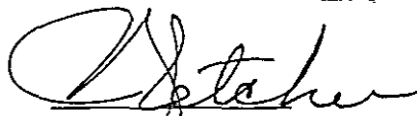
Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject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

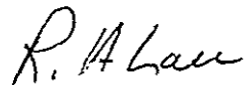
This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

AWARD

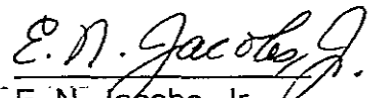
After thoroughly reviewing and considering the transcript and the parties' presentations, the Board finds that the claim should be disposed of as follows:

CLAIMANT'S SUSPENSION IS REDUCED TO A LETTER OF REPRIMAND. CLAIMANT SHALL BE PAID FOR ALL WAGE LOSSES.


John C. Fletcher



Richard A. Lau
Organization Member


E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, VA on October 17¹⁷/₁₆, 1996