

SPECIAL BOARD OF ADJUSTMENT NO. 1048

Award NO. 67

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

Norfolk and Western Railway

Statement of Claim:

Claim on behalf of C. M. Lowe and C. L. Rion requesting that they be reinstated to service and paid for time lost, as a result of their dismissals from service following formal investigation held on April 17, 1995, in connection with their improper performance of duties as machine operator and foreman, respectively, for violation of Norfolk Southern Operating Rule 809 and Norfolk Southern Safety and General Conduct Rules B and GR-3.

[Carrier File: MW-ROAN-95-16-LM-038]

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.

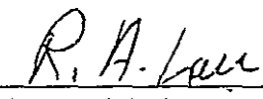
This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

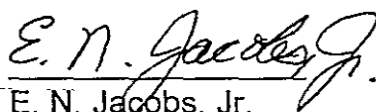
AWARD

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

CLAIMANT LOWE'S CLAIM IS DENIED. CLAIMANT RION'S DISMISSAL IS CHANGED TO A SUSPENSION ENDING 1-1-96. HE SHALL BE MADE WHOLE FOR ALL TIME LOST AFTER THAT DATE.


John C. Fletcher


Richard A. Lau
Organization Member


E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, VA on October 16, 1996