

SPECIAL BOARD OF ADJUSTMENT NO. 1048

Award NO. 71

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

AND

Norfolk and Western Railway

Statement of Claim:

Claim on behalf of M. Latimer, Jr. appealing his dismissal for dereliction of duty in connection with his violation of sleeping in the rider cab of Company vehicle #387549, while on duty and under pay at approximately 1:10 p.m. on June 21, 1995 on the Delorme Branch at Milepost DB-0.5, which is in direct violation of Norfolk Southern's Safety and General Conduct Rule GR-26; and, requesting that the Claimant be exonerated of all charges placed, reinstated to the Carrier's service with seniority, vacation and all other rights unimpaired, and paid for all time lost.

[Carrier File: MW-BLUE-95-05-BB-130]

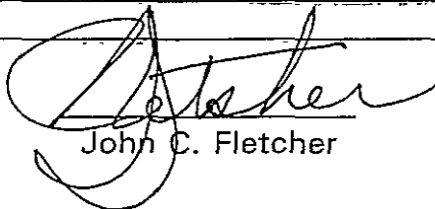
Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject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

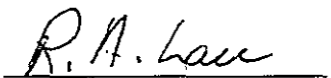
This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

AWARD

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

AN AWARD FAVORABLE TO CLAIMANT WILL NOT
BE MADE.


John C. Fletcher


Richard A. Lau
Organization Member


E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, VA on October 17, 1996