

SPECIAL BOARD OF ADJUSTMENT NO. 1048

Award NO. 73

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

Norfolk and Western Railway

Statement of Claim:

Claim on behalf of C. Copley and J. C. Endicott that they be reinstated and paid for time lost resulting from their dismissal as a result of investigation held on July 16, 1996, concerning their conduct unbecoming an employee.

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 COPLEY SHALL BE RESTORED TO SERVICE WITHOUT PAY FOR TIME LOST. ENDICOTT'S DISCIPLINE SHALL BE REDUCED TO A 30 DAY SUSPENSION AND HE SHALL BE PAID FOR TIME LOST BEYOND 30 DAYS.

R. A. Lau

Richard A. Lau
Organization Member

John C. Fletcher

[Signature]

E. N. Jacobs, Jr.

E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, VA on October 17, 1996