

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award NO. 102

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

AND

Norfolk Southern Railway

Statement of Claim:

Claim on behalf of J. R. Priest requesting he be made whole by exonerating him and paying him for all time lost, with seniority, vacation and all other rights unimpaired as a result of his thirty (30) day actual suspension in connection with his June 30, 1998 formal investigation for conduct unbecoming an employee concerning his threatening and disrespectful actions towards his supervisor T. L. Youmans on Monday, May 11 and Friday, May 29, 1998.

(Carrier File MW-ATLA-98-40-SG-264)

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.

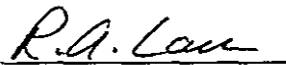
AWARD

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

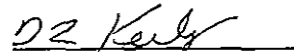
The Carrier proved the charge against the Claimant. However, in light of Claimant's unblemished work record and lengthy service, the thirty-day suspension he was assessed is excessive. Claimant's discipline will be reduced to a ten-day suspension, with pay for time lost in excess of the ten-day suspension. To the extent of the findings, the Claim is partially sustained.



C. P. Fischbach
Chairman and Neutral Member



R. A. Lau
Organization Member



D. L. Kerby
Carrier Member

Issued at Chicago, IL on May 13, 1999