

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award NO. 104

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

Norfolk Southern Railway

Statement of Claim:

Claim on behalf of D. R. White appealing his dismissal in connection with his September 9, 1998 formal investigation for conduct unbecoming an employee in that he exhibited insubordinate behavior toward Track Supervisor R. C. Young when he engaged in a verbal confrontation on August 27, 1998, made direct threats against co-workers L. B. Butler and L. Esland on or around August 7, 1998.

(Carrier File MW-GNVL-98-21-LM-392)


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:

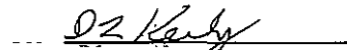
The Carrier met its burden in proving the charge of insubordination against the Claimant. Claim denied.



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