

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award No. 23

Parties to Dispute:

Brotherhood of Maintenance of Way Employees

and

Norfolk Southern Railway Company

Statement of Claim:

Claim on behalf of B. L. Hill requesting that his "foreman seniority (Ranks A-1 and A-2) be restored and all back pay and seniority rights unimpaired" in that he was suspended 30 days and disqualified on all foreman seniority as the result of a May 1, 1991 investigation concerning the failure to restore the main line switch at Schley Junction to normal position on April 18, 1991.

[File Number MW-ATLA-91-3]

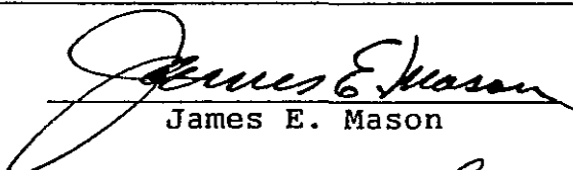
Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject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

Claim is sustained. Carrier has not met the burden of proof required to support the discipline.


James E. Mason


Richard A. Lau
Organization Member


L. F. Miller, Jr.
Carrier Member

Issued at Palm Coast, Florida on December 17, 1991