

SPECIAL BOARD OF ADJUSTMENT NO. 1049

CASE NO. 342, AWARD NO. 342

PARTIES) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION
TO)
DISPUTE) NORFOLK SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM

“Claim of the System Committee of the Brotherhood that:

1. The Carrier’s discipline (letter of reprimand) of Mr. L. Dickson, issued by letter dated October 24, 2019, in connection with his alleged improper performance of duty in that on Monday, August 26, 2019, he left a shunt in the track near the Puddledock Road crossing after changing out a rail at Mile Post CP 1.7, adversely affecting the warning time for the crossing and creating a hazard for Carrier employes and the general public, was without just cause, based on speculation instead of facts, not fair and impartial and without proof or support.
2. As a consequence of the violation referred to in Part 1 above, Claimant L. Dickson shall now have his letter of reprimand removed from his record and receive notice of such.”

[File: MW-BLUE-19-80-LM-644NWR; NMB Code: 203]

FINDINGS AND OPINION

This Board, having jurisdiction over the dispute at issue, finds the parties herein to be employee and carrier, respectively, within the meaning of the Railway Labor Act, as amended. The parties were given due notice of the hearing held.

At the time of the incident giving rise to this dispute, Claimant Lavone Dickson, an 11-year Carrier employee, was assigned as a Gang Foreman out of Petersburg, Virginia. Following a formal Investigation on October 10, 2019, and by way of Carrier correspondence dated October 24, 2019, the Claimant was notified of the Carrier’s conclusion that the facts presented at the Hearing established his responsibility for the incident outlined in the above-captioned claim statement. As a result of that finding, the Claimant was assessed a Letter of Reprimand. The Organization appealed the Carrier's disciplinary action, up to and including discussion of the matter in an on-property conference. Unable to resolve the dispute, it is now properly before this Board for final and binding adjudication.

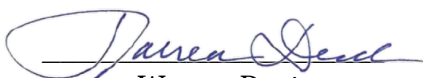
The Board has reviewed the record before it and finds substantial evidence supporting the charge against the Claimant. We further find that the imposed discipline has served its purpose, and we direct that it be removed from the Claimant's record, without pay for any time lost.

AWARD

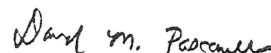
Claim sustained, in part, in accordance with the Findings.



Adam R. Lively
Carrier Member



Warren Dent
Neutral Member



David M. Pascarella
Employee Member

Dated: 3-10-2026