

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award No. 36

Parties to Dispute:

Brotherhood of Maintenance of Way Employes

and

Norfolk Southern Railway Company

Statement of Claim:

Claim on behalf of L. Brown requesting reinstatement to service with all rights unimpaired and pay for all time lost as the result of his dismissal assessed for refusing to sign the MED-1 Form on November 11, 1991.

[Carrier File MW-ATLA-91-18-LM-410]

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:

Reinstated without back pay.

Thomas J. DiLauro
Thomas J. DiLauro

Richard A. Lau
Richard A. Lau
Organization Member

L. F. Miller Jr.
L. F. Miller Jr.
Carrier Member

Issued at Philadelphia, Pennsylvania on August 3, 1992