

SPECIAL BOARD OF ADJUSTMENT, NO. 1049

Award No. 4

Parties to Dispute:

Brotherhood of Maintenance of Way Employees
and
Norfolk Southern Railway Company

Statement of Claim:

D. L. Parham-Request for reinstate and pay account dismissed for failure to comply with Medical Director's instructions to arrange return-to-work physical.

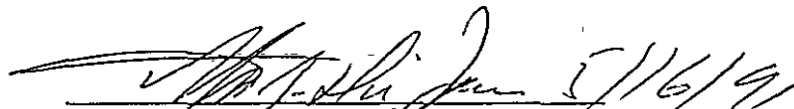
Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject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

Claim disposed of as follows:

THE CLAIMANT SHALL BE REINSTATED IN THE CARRIER'S
SERVICE WITH SENIORITY AND ALL OTHER RIGHTS
UNIMPAIRED BUT WITH NO BACK PAY.


Thomas J. DiLauro


Richard A. Lau
Organization Member


L. F. Miller, Jr.
Carrier Member

Issued at Norfolk, Virginia, May 16, 1991