

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award No. 40

Parties to Dispute:

Brotherhood of Maintenance of Way Employees

and

Norfolk Southern Railway Company

Statement of Claim:

Claim on behalf of C. M. Murphy, Jr. appealing his dismissal for falsifying payroll and violation of Rules GR-5, GR-6, and GR-7 and conduct unbecoming an employee in connection with use of a cellular phone for personal use on company time.

[Carrier file MW-SOMS-91-10-BB-225]

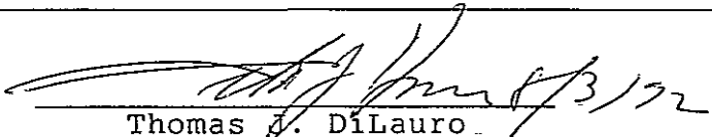
Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject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

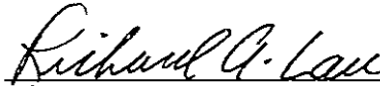
This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.


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 DENIED. THE RECORD SUPPORTS THE
CARRIER.*


Thomas J. DiLauro


Richard A. Lau
Organization Member


L. F. Miller, Jr.
Carrier Member

Issued at Philadelphia, Pennsylvania on August 3, 1992