

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award NO. 43

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

NORFOLK SOUTHERN RAILWAY COMPANY

Statement of Claim:

Claim on behalf of J. B. Talley requesting that he be reinstated with his seniority and paid for all time lost as a result of his dismissal following investigation held on May 4, 1992, in connection with his conduct unbecoming an employee in that he accepted money for doing business with an outside firm.

[Carrier File: MW-ATLA-92-3-LM-089]

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.

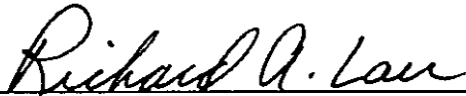
AWARD

After thoroughly reviewing and considering the transcript and the parties' presentations, the Board finds that the claim should be disposed of as follows:

Claimant accepted a \$100.00 kick back for placing an order to replace hydraulic hoses on brush hog machines and was dismissed following an investigation. The discipline should have served its purpose. Claimant shall be returned to service, but without pay for time lost.

Claim sustained, as modified herein.


John C. Fletcher


Richard A. Lau
Organization Member


E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, Virginia on August 30, 1993