

NATIONAL MEDIATION BOARD
Special Board of Adjustment No. 1049

JOHN C. FLETCHER, CHAIRMAN & NEUTRAL MEMBER
R. A. LAU, ORGANIZATION MEMBER
E. N. JACOBS, JR., CARRIER MEMBER

BROTHERHOOD OF MAINTENANCE OF
WAY EMPLOYEES

and

NORFOLK SOUTHERN RAILWAY COMPANY

Award No. 51

Hearing Date - December 12, 1994

Statement of Claim:

Claim on behalf of R. W. Allen requesting that he be reinstated with his seniority and paid for all time lost as a result of his dismissal following investigation held on September 10, 1993, for conduct unbecoming an employee in connection with unauthorized purchase and use of materials, improper purchase of a hand gun, and permitting improper conduct by subordinates which was detrimental to the Company's interests

FINDINGS:

Special Board Adjustment No. 1049, upon the whole record and all of the evidence, finds and holds that the Employee(s) and Carrier(s) are employee and carrier within the meaning of the Railway Labor Act, as amended, and that the Board has jurisdiction over the dispute(s) herein and that the parties to the dispute(s) were given due notice of the hearing thereon and did participate therein.

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 shall be restored to service with seniority and other benefits in place, but without compensation for time lost.

Carrier is directed to comply with this Award within forty-five days of the date indicated below.



John C. Fletcher, Chairman & Neutral Member



R. A. Lau, Organization Member



E. N. Jacobs, Jr., Carrier Member

Issued at Fort Lauderdale, Florida, December 12, 1994

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