

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. 55

Hearing Date - December 12, 1994

Statement of Claim

Claim on behalf of A. Ivey and L. Baker appealing their 90-day disciplinary suspensions which followed the formal investigation of Decemberr 1, 1993, in connection with their conduct unbecoming an employee in their improper use of Company equipment on October 31, 1993.

FINDINGS:

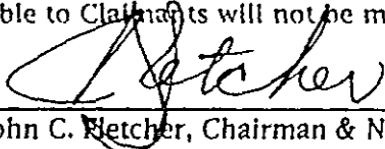
Special Board Adjustment No. 1049, upon the whole record and all of the evidence, finds and holds that the Employee(s) and Carrier(s) are employee and carrier within the meaning of the Railway Labor Act, as amended, and that the Board has jurisdiction over the dispute(s) herein and that the parties to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

Ample evidence was developed to support a conclusion that Claimants were guilty of the charges on which discipline was issued. The discipline will not be disturbed.

An award favorable to Claimants will not be made. Their claims are denied.


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