

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. 56

Hearing Date - December 12, 1994

Statement of Claim:

Claim on behalf of H. J. Felker requesting pay for time lost as the result of a sixty day suspension assessed in connection with a June 30, 1993 investigation concerning rule violations in leaving the derail at the West End of Grinnel Siding in the off position on June 15, 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:

Claimant was responsible to insure that the West derail Grinnel Siding was in the on position on June 15, 1993. It was not left in the on position and there is no logical explanation as to why it was not except that Claimant did not do his job before leaving the site. Claimant has previously been disciplined for mishandling a derail. In the circumstances a sixty-day suspension will not be disturbed.

  
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