

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. 57

Hearing Date - December 12, 1994

Statement of Claim:

Claim on behalf of C. G. Trimiew for payment for time lost from a thirty-day actual suspension as a result of a September 22, 1993 investigation in connection with the failure to properly dismount Vehicle 288483.

FINDINGS:

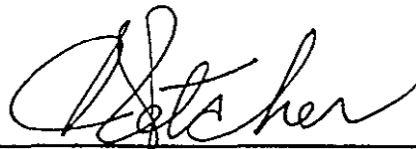
Special Board Adjustment No. 1049, upon the whole record and all of the evidence, finds and holds that the Employee(s) and Carrier(s) are employee and carrier within the meaning of the Railway Labor Act, as amended, and that the Board has jurisdiction over the dispute(s) herein and that the parties to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

The transcript of the investigation contains adequate evidence that Claimant did not properly dismount Vehicle 288483 on September 22, 1993, as charged. However, because Claimant has an unblemished record the thirty-day suspension will be reduced to fifteen days.

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