

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award No. 62

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

Norfolk Southern Railway Company

Statement of Claim:

Claim on behalf of R. L. Thompson, Jr., requesting that he be reinstated to service and paid for time lost, as a result of his dismissal from service following formal investigation held on July 28, 1994, in connection with his making false and/or conflicting statements regarding an alleged on-duty injury; and his failure to follow the instructions of his supervisors.

[Carrier File: MW-BHAM-94-08]

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.

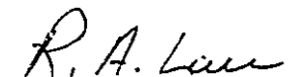
This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

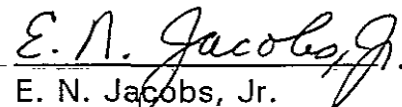
AWARD

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

AN AWARD FAVORABLE TO CLAIMANT
WILL NOT BE MADE.


John C. Fletcher


Richard A. Lau
Organization Member


E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, VA on October 16, 1996