

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award No. 69

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

Norfolk Southern Railway Company

Statement of Claim:

Claim on behalf of N. J. Brock appealing his disqualification as a rank B-1-BBF, B&B Foreman, and requesting pay for the difference in pay between the foreman rank and his present rank, which resulted in connection with damage to newly installed bridge ties at MP 169.3 on June 27, 1995, when employees under his supervision drug jointed rail across the newly timbered bridge deck.

[Carrier File: MW-GNVL-95-09-BB-112]

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:

THE DISCIPLINE IS REDUCED TO A LETTER OF REPRIMAND
CLAIMANT'S FOREMAN SENIORITY IS RESTORED CLAIMANT
SHALL BE PAID THE DIFFERENCE BETWEEN THE FOREMAN'S RATE
AND THE RATE OF THE POSITIONS WORKED,


Richard A. Lau
Organization Member


John E. Fletcher


E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, VA on October 17, 1996