

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award No. 71

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

Norfolk Southern Railway Company

Statement of Claim:

Claim on behalf of T. E. Gibbs appealing his dismissal in connection with his violation of sleeping while on duty as a flagging foreman at Milepost SA-8.6, Pt. Wentworth, Georgia on December 11, 1995, and requesting that the Claimant be exonerated of all charges placed, reinstated to the Carrier's service with seniority, vacation and all other rights unimpaired, and paid for all time lost.

[Carrier File: MW-ATLA-95-11-LM-260]

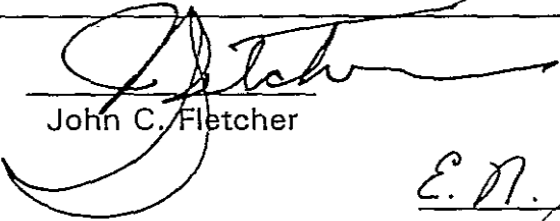
Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

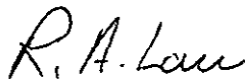
This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

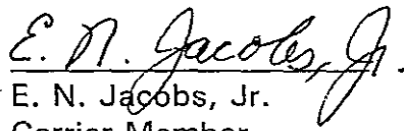
AWARD

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

CLAIMANT WAS SLEEPING ON DUTY
HIS CLAIM IS DENIED.


John C. Fletcher


Richard A. Lau
Organization Member


E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, VA on October 16, 1996