

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award No. 75

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

Norfolk Southern Railway Company

Statement of Claim:

Claim on behalf of J. H. Fisher requesting reinstatement and pay for time lost as the result of a December 12, 1995 investigation in connection with violation of Norfolk Southern Safety and General Conduct Rule 1000 and making false statements concerning an alleged November 9, 1995 on the job injury.

[Carrier File: MW-SOMS-95-09-BB-226]

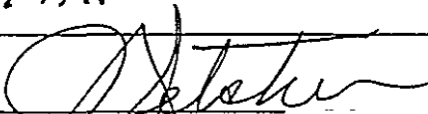
Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject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

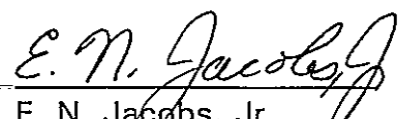
AWARD

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

CLAIMANT SHALL BE RESTORED TO SERVICE BUT
WITHOUT BACK PAY.


John C. Fletcher


Richard A. Lau
Organization Member


E. N. Jacobs, Jr.
Carrier Member

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Issued at Norfolk, VA on October 16, 1996