

NATIONAL MEDIATION BOARD  
SPECIAL BOARD OF ADJUSTMENT NO. 1049

JOHN C. FLETCHER, CHAIRMAN & NEUTRAL MEMBER  
E. N. JACOBS, JR., CARRIER MEMBER  
RICHARD A. LAU, ORGANIZATION MEMBER

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

NORFOLK SOUTHERN RAILWAY COMPANY

Award No. 81  
Case No. 81

*Date of Hearing - August 1, 1997*  
*Date of Award - December 27, 1997*

Statement of Claim:

1. The dismissal of Laborer J. G. Morgan, Jr., for his alleged conduct unbecoming an employee when he engaged in a verbal confrontation with a track supervisor on July 12, 1996, was without just and sufficient cause, capricious, harsh and based on an unproved charge (System File JGM01096/MW-ATLA-96-09).
2. Laborer J. G. Morgan, Jr., shall now be reinstated to service with seniority, vacation and all other rights unimpaired and he shall be compensated for all wage loss suffered.

FINDINGS:

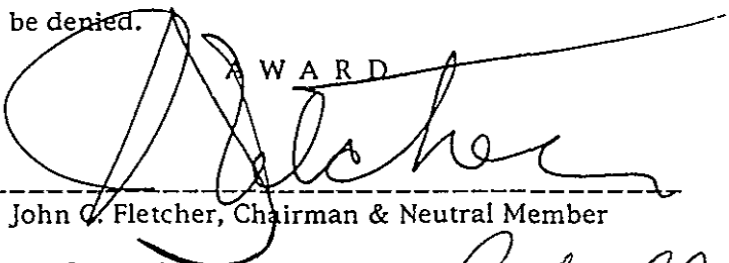
Special Board of Adjustment No. 1049, upon the whole record and all of the evidence, finds and holds that the Employee(s) and the Carrier are employee and carrier within the meaning of the Railway Labor Act, as amended; and, that the Board has jurisdiction over the dispute(s) herein; and, that the parties to the dispute(s) were given due notice of the hearing thereon and did participate therein.

After study of the record made in this dismissal the Board finds no basis to render an award favorable to Claimant.

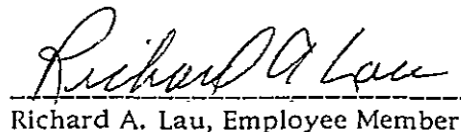
The claim will be denied.

Claim denied.

A W A R D

  
John C. Fletcher, Chairman & Neutral Member

  
E. N. Jacobs, Jr., Carrier Member

  
Richard A. Lau, Employee Member

Dated at Mt. Prospect, Illinois., December 27, 1997