

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award No. 86

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

AND

Norfolk Southern Railway Company

Statement of Claim:

Claim on behalf of D. L. Colston requesting reinstatement and pay for time lost as the result of an August 7, 1996 investigation in connection with falsification of an on-duty injury report, violation of Rule 1000 and failing to follow instructions.

[Carrier File: MW-GNVL-96-06-LM-106]

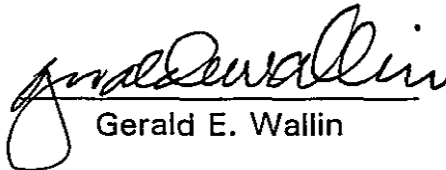
Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject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

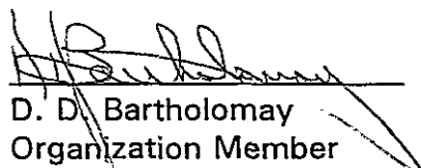
This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

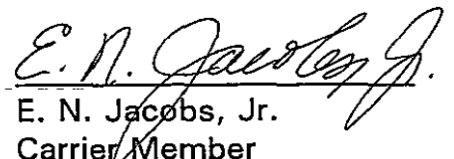
AWARD

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

*Claim sustained but without back pay. Claimant to be reinstated upon proof of fitness for duty with no medical restrictions.*

  
Gerald E. Wallin

  
D. D. Bartholomay  
Organization Member

  
E. N. Jacobs, Jr.  
Carrier Member

Issued at Norfolk, VA on February 26, 1998