

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award No. 88

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

Norfolk Southern Railway Company

Statement of Claim:

Claim on behalf of L. W. Peterson for reinstatement to service and pay for time lost, as a result of his dismissal from service following formal investigation held on October 25, 1996, for conduct unbecoming an employee, in that he made unauthorized and fraudulent charges to a Company telephone credit card to make long distant calls.

[Carrier File: MW-BHAM-96-17]

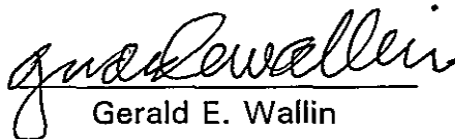
Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject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

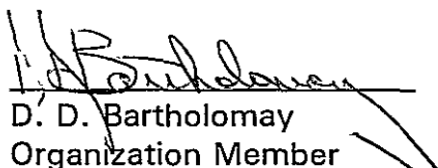
This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

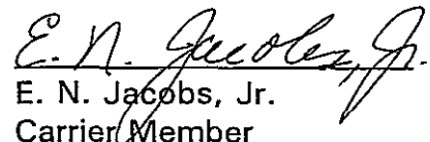
AWARD

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

Charge is supported by substantial evidence in the record. Claim denied.


Gerald E. Wallin


D. D. Bartholomay
Organization Member


E. N. Jacobs, Jr.
Carrier Member

Issued at Norfolk, VA on February 26, 1998