

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award No. 89

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

Norfolk Southern Railway Company

Statement of Claim:

Claim on behalf of W. M. Barnwell requesting exoneration of his thirty (30) day deferred suspension with a probationary period of twelve (12) months and S. L. McDarris requesting exoneration of his twenty (20) day deferred suspension with a probationary period of nine (9) months that resulted from the November 13, 1996 formal investigation for their failure to use required fall protection on Thursday, October 24, 1996, while working on Burnley Station Road overhead bridge at MP-99.14.

[Carrier Files: MW-GNVL-96-13 and MW-GNVL-96-13(A)]

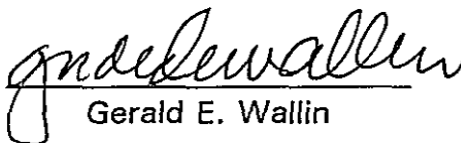
Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject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

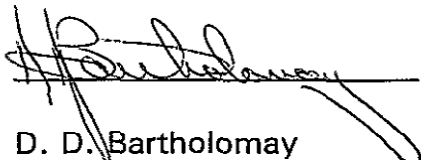
This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.

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 in part. The discipline should be
reduced to a letter of reprimand.


Gerald E. Wallin


D. D. Bartholomay
Organization Member


E. N. Jacobs, Jr.
Carrier Member