

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 41575
Docket No. MW-41875
13-3-NRAB-00003-120144**

The Third Division consisted of the regular members and in addition Referee Dr. Lou Imundo when award was rendered.

PARTIES TO DISPUTE: (
(Brotherhood of Maintenance of Way Employees
(Division of the IBT Rail Conference)
(BNSF Railway Company (former Burlington
(Northern Railroad Company)

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The Agreement was violated when the Carrier declared that Mr. P. Bohnenkamp’s charges of being unjustly treated by Roadmaster K. Steinke on November 12, 2010 had no merit (System File C-11-D040-16/10-11-0215 BNR).**
- (2) As a consequence of the violation referred to in Part (1) above, the Carrier shall now be required to acknowledge that Roadmaster K. Steinke treated Claimant P. Bohnenkamp in a discourteous, quarrelsome, threatening and therefore unjust manner on November 20, 2010.”**

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

There is no merit to the Claimant's allegations and assertions.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 18th day of March 2013.