

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 44503
Docket No. MW-46070
21-3-NRAB-00003-200291**

The Third Division consisted of the regular members and in addition Referee Patricia T. Bittel when award was rendered.

**(Brotherhood of Maintenance of Way Employees Division -
(IBT Rail Conference**

PARTIES TO DISPUTE: (
(BNSF Railway Company)

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The discipline (dismissal) imposed upon Mr. C. Guthrie, by letter dated December 21, 2018, in connection with allegations that he was dishonest for claiming compensation when not working and falsifying heat inspection records between August 9, 2018 and October 1 t, 2018 while working as a track supervisor was arbitrary, excessive and unwarranted (System File 2033- SL 13C5-1840/1 4-1 9-0052 BNS).**
- (2) As a consequence of the violation referred to in Part (1) above, Claimant C. Guthrie shall be reinstated to service with seniority rights and benefits restored and “*** be made whole for all financial losses as result of the violation, including compensation for: 1) straight time pay for each regular work day lost and holiday pay for each holiday lost, to be paid at the rate of the position assigned to Claimant at the time of suspension from service (this amount is not reduced by any outside earnings obtained by the Claimant while wrongfully suspended); 2) any general lump sum payment or retroactive general wage increase provided in any applicable agreement that became effective while Claimant was out of service. 3) Overtime pay for lost overtime opportunities based on overtime paid to any junior employee for work the Claimant could have bid on and performed had the Claimant not been suspended. 4) health, dental and vision care insurance premiums, deductibles and co-pays that he would not**

have paid had he not been unjustly dismissed from service commencing December 21, 2018, continuing forward and/or otherwise made whole. All notations of the dismissal should be removed from all Carrier records.”

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.

In NRAB Case No. 3-200290, the dismissal of this Claimant was upheld. Accordingly, the instant matter has been rendered moot.

AWARD

Claim dismissed.

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 29th day of July 2021.