

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 44670
Docket No. MW-46410
22-3-NRAB-00003-210067**

The Third Division consisted of the regular members and in addition Referee Michael Capone when award was rendered.

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

PARTIES TO DISPUTE: (

**(BNSF Railway Company (Former Burlington Northern
(Railroad Company)**

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The discipline (dismissal) imposed upon Claimant C. Brisbin, by letter dated August 12, 2019, for violation of MWOR 6.3 Track Occupancy was on the basis of unproven charges, arbitrary, excessive and in violation of the Agreement (System File C-19-D070-10/10-19-0335 BNR).**
- (2) As a consequence of the violation referred to in Part (1) above, Claimant C. Brisbin shall have his record cleared of the charges leveled against him and be reinstated in accordance with Rule 40.”**

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.

After the Board closed the hearing on October 6, 2021, the Organization and the Carrier advised that they had reached a resolution, which was satisfactory to the Claimant and the parties. As such, the Board considers this case as handled to a conclusion and therefore, withdrawn from further consideration.

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 28th day of January 2022.