

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 44850  
Docket No. MW-46831  
23-3-NRAB-00003-210776**

**The Third Division consisted of the regular members and in addition Referee Melinda Gordon when award was rendered.**

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

**PARTIES TO DISPUTE: (**

**(National Railroad Passenger Corporation (Amtrak)**

**STATEMENT OF CLAIM:**

**“Claim the System Committee of the Brotherhood that:**

- (1) The discipline (dismissal) imposed upon Mr. C. Tierney, by letter dated February 2, 2021, for alleged violation of Amtrak’s Standards of Excellence and Workplace Violence Policy 7.56.1 in connection with an incident that occurred on Thursday, November 19, 2020 was arbitrary, capricious, and constituted a violation of the Agreement (Carrier’s File BMW-159219-D AMT).**
- (2) As a consequence of the violation referred to in Part (1) above, Claimant C. Tierney shall now receive \*\*\* any and all losses in wages, benefits and RRB Service credits from the time he was improperly dismissed without cause and/or any support thereof on February 2, 2021, on and (sic) ongoing and inclusive basis until such time he is rightfully returned to service from the appropriate board...’ (Emphasis in original).”**

**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.

At the hearing the Brotherhood of Maintenance of Way Employees withdrew the claim, and the claim is dismissed.

**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 10<sup>th</sup> day of March 2023.