

PUBLIC LAW BOARD 3765  
(Expedited Procedure)

Award No. 44

Parties to Dispute:

Brotherhood of Maintenance of Way Employes  
and  
Grand Trunk Western Railroad Incorporated

Statement of Claim:

Claim appealing 25 demerits assessed John F. Lee,  
as result of investigation held January 30, 1990, in  
Flint, Michigan.

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.

It has been agreed that this Award is without prejudice to the position of either party.

**A W A R D**

Claim disposed of as follows: Carrier meet burden of proof  
claim denied

R. E. Dennis  
R. E. Dennis, Neutral Member

Donald Bartholomay  
Donald Bartholomay  
Employee Member

R. J. O'Brien  
R. J. O'Brien  
Carrier Member

Date: December 4, 1995