

PUBLIC LAW BOARD 5137
AWARD NO. 103

Parties to Dispute: Union Pacific Railroad Company
(formerly Chicago & North Western Railway Co.)
and
United Transportation Union

Statement of Claim: Claim of Collector Michael E. Gulley for reinstatement with vacation and
seniority rights unimpaired as a result of investigation of January 10, 2000.

Findings: When a passenger attempted to evade paying fare on December 3, 1999, and
verbally abused Claimant, an altercation ensued. While there is some basis for a
charge of Rule 1.6, the record is replete with testimony that in this contest of wills,
the Claimant was not the instigator. He is to be returned to work on a leniency
basis, but without back pay.

Award: Claim sustained in part.


FRANCIS X. QUINN
Chair and Neutral Member


JOHN BABLER
Organization Member


JIM NASH
Carrier Member

Date May 17, 2001
Memphis, Tennessee