

PUBLIC LAW BOARD NO. 5850

Award No. 177
Case No. 177

(Brotherhood of Maintenance of Way Employees

PARTIES TO DISPUTE:

(The Burlington Northern Santa Fe Railroad

STATEMENT OF CLAIM:

1. The Carrier violated the Agreement when on August 23, 2000, Mr. Herbert John was dismissed from service for allegedly being absent without proper authority for more than five consecutive days as outlined in the letter of Agreement dated July 13, 1976.
2. As a consequence of the Carrier's violation referred to above Mr. John shall be returned to service, the discipline shall be removed from Mr. John's personal record and he shall be compensated for all wages lost, if any, in accordance with the Agreement.

FINDINGS

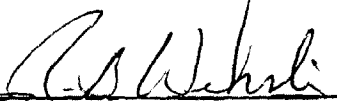
Upon the whole record and all the evidence, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended. Further, the Board is duly constituted by Agreement, has jurisdiction of the Parties and of the subject matter, and the Parties to this dispute were given due notice of the hearing thereon.

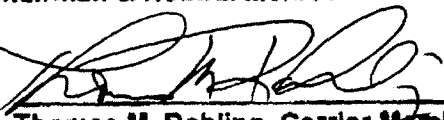
Subsequent to filing this dispute with this Board, the parties had a further discussion and agreed to withdraw this case from this Board's consideration.

AWARD

Claim withdrawn.


Robert L. Hicks, Chairman & Neutral Member


Rick B. Wehrli, Labor Member


Thomas M. Rohling, Carrier Member

Dated: October 24, 2001