

PUBLIC LAW BOARD NO. 6237

AWARD NO. 4
CASE NO. 4

PARTIES TO
THE DISPUTE: Brotherhood of Maintenance of Way Employees

vs.

Union Pacific Railroad Company

ARBITRATOR: Gerald E. **Wallin**

DECISION: Claim **sustained** in accordance with the Findings.

DATE: April 2, 2001

STATEMENT OF CLAIM:

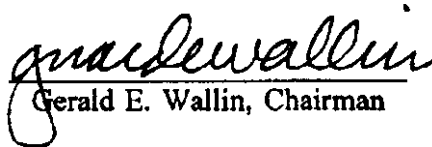
Was the dismissal of Arthur **Begay** for just cause?

FINDINGS OF THE BOARD:

The Board, upon the whole record and on the evidence, **finds** that the parties herein are Carrier **and** Employees within the meaning of the Railway Labor Act, as amended, that this Board is **duly** constituted by agreement of the parties; that the Board has jurisdiction over the dispute, **and** that the parties were given due notice of the hearing.

Given the unique circumstances demonstrated by the **evidentiary** record, the Board finds that Claimant Arthur **Begay** must be conditionally offered reinstatement to his former employment, on a leniency **basis**, with seniority **and** other rights of employment unimpaired but without back pay. Claimant's reinstatement is **contingent** upon receiving a favorable reemployment recommendation from the Employee Assistance Program counselor. If reinstated, Claimant's time off **payroll** shall be recorded **as** a disciplinary suspension for just cause.

AWARD: The Claim **is sustained** in accordance with the Findings.


Gerald E. Wallin, Chairman