

PUBLIC LAW BOARD NO. 6237

AWARD NO. 6  
CASE NO. 6

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 Kevin Gerdes 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 **Kevin** Gerdes 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 entering into an agreed upon payroll deduction schedule to make restitution. The Organization and Carrier shall meet and agree upon the restitution amount. 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