

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 6302

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES)
and) Case No. 113
UNION PACIFIC RAILROAD COMPANY) Award No. 114
_____)

Martin H. Malin, Chairman & Neutral Member
D. D. Bartholomay, Employee Member
D. A. Ring, Carrier Member

Hearing Date: June 4, 2007

STATEMENT OF CLAIM:

- (1) The Carrier violated the terms and provisions of the current Collective Bargaining Agreement when Mr. E. Chess was considered as voluntarily forfeiting him employment relationship pursuant to Agreement Rule 48(k) on April 5, 2005.
- (2) As a consequence of the violation referred to in Part (1) above, Claimant E. Chee shall have the letter expunged from his record, he shall be returned to service with all rights restored unimpaired immediately and be compensated for all lost time.

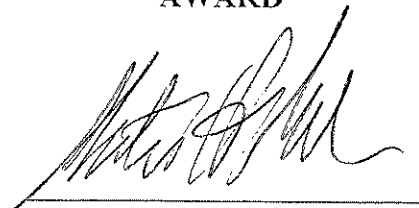
FINDINGS:

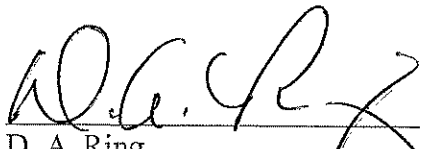
Public Law Board No. 6302 upon the whole record and all of the evidence, finds and holds that Employee and Carrier are employee and carrier within the meaning of the Railway Labor Act, as amended; and, that the Board has jurisdiction over the dispute herein; and, that the parties to the dispute were given due notice of the hearing thereon and did participate therein.

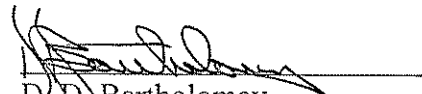
It appears that the instant claim was resolved on the property. Accordingly, this claim is moot and must be dismissed.

AWARD

Claim dismissed.



Martin H. Malin, Chairman

D. A. Ring
Carrier Member 12-14-07

D. D. Bartholomay
Employee Member 12-14-07

Dated at Chicago, Illinois, December 6, 2007