

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 6302

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES)
and) Case No. 159
UNION PACIFIC RAILROAD COMPANY) Award No. 154
_____)

Martin H. Malin, Chairman & Neutral Member
T. W. Kreke, Employee Member
D. A. Ring, Carrier Member

Hearing Date: March 23, 2009

STATEMENT OF CLAIM:

- (1) The dismissal of Track Foreman M. K. Williams for violation of General Code of Operating Rules 42.16, 42.3 and 6.3 in connection with fouling and occupying CPB35 without track authority on September 26, 2007 is unjust, unwarranted and in violation of the Agreement (System File W-0748U-1/1494183).
- (2) As a consequence of Part 1, we request that all charges, discipline and correspondence in connection with the referred to incident must be dropped and removed from Mr. Williams' record. In addition, Mr. Williams must be immediately returned to service and compensated for all time unjustly withheld from service since his removal from service and improper suspension on October 3, 2007.

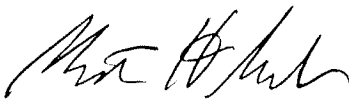
FINDINGS:

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 in connection with other litigation against Carrier, Claimant has executed a settlement releasing all claims, including the instant claim. Accordingly, the case must be dismissed as moot.

AWARD

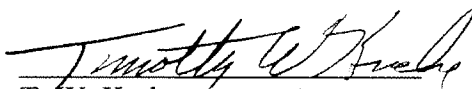
Claim dismissed.



Martin H. Malin, Chairman



D. A. Ring
Carrier Member



T. W. Kreke
Employee Member

June 23, 2009

Dated at Chicago, Illinois, June 23, 2009