

**NATIONAL MEDIATION BOARD**

**PUBLIC LAW BOARD 6302**

**NMB NO. 185**

**AWARD NO. 181**

**PARTIES TO DISPUTE**

**CARRIER**

Union Pacific Railroad

**Carrier's File**

1522913

AND

**ORGANIZATION**

Brotherhood of Maintenance of Way Employees  
Division of International Brotherhood of Teamsters

**System File**

D-0948U-208

**STATEMENT OF CLAIM**

1. The dismissal of Extra Gang Foreman Bryan Jones for violation of General Code of Operating Rules (GCOR) Rules 1.6 (Conduct) and Rule 1.2.5 (Reporting) in connection with a personal injury sustained on April 27, 2009 and reported on April 29, 2009 is unjust, unwarranted, based on unproven charges and in violation of the Agreement.
2. As a consequence of the violation referred to in Part 1 above, the Level 5 dismissal shall be reversed and Mr. Jones shall be made whole as of there had been no discipline issued and no dismissal from service. His record shall be expunged of any mention of this discipline matter and he shall be paid for all hours that he would have worked absent the suspension, including overtime.

**FINDINGS**

Public Law Board No. 6302, upon the whole record and all 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.

**DISPOSITION OF CLAIM**

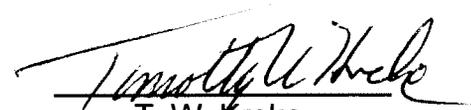
Subsequent to the Board hearing this case, the Board was notified by the Parties that the Claimant had resigned his employment with the Carrier. Consequently, we find in light of Claimant's resignation, this claim to be moot and, accordingly, we rule to dismiss the subject claim in its entirety.

**AWARD**

**Claim Dismissed**

  
George Edward Lapney  
Neutral Member & Chairman

  
B. W. Hanquist  
Carrier Member

  
T. W. Kreke  
Employee Member

Chicago, Illinois  
Date 10/25/10