

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 6302

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

UNION PACIFIC RAILROAD COMPANY

)
) Case No. 31
)
) Award No. 29
)

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

Hearing Date: November 7, 2001

STATEMENT OF CLAIM:

1. The Agreement was violated when the Carrier assigned junior employee R. S. Patterson to the foreman's position on Gang 9095 under Bulletin NSF02383 beginning February 27, 1997 and continuing, instead of assigning Group 19, Class A Foreman J. P. Beach who was senior qualified and placed his bid thereon (System File N-491/1080497).
2. As a consequence of the violation referred to in Part (1) above, Group 19, Class A Foreman J. P. Beach shall be assigned to bulletin NSF02383 and that this bulletin must be corrected showing the proper assignment. Further, Mr. Beach must be allowed any loss in wages or overtime because of this improper assignment. Also, this Claimant must be allowed any loss incurred because of away from home expense that would not have been experienced had he been assigned to the referred to position.

FINDINGS:

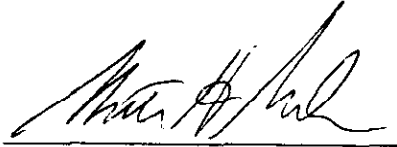
Public Law Board No. 6302, upon the whole record and all the evidence, finds and holds that Employee and Carrier are employee and carrier within the meaning of the Railway Labor Act, as amended; and, that the Board has jurisdiction over the dispute herein; and, that the parties to the dispute were given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

The instant case involves the same issues that were involved in Case No. 29, Award No. 27. For the reasons stated in that award, the claims must be denied.

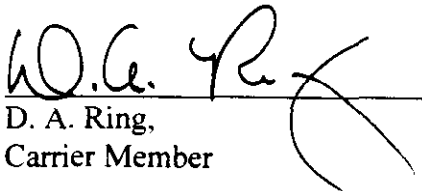
PLB 6302
Awd 29

AWARD

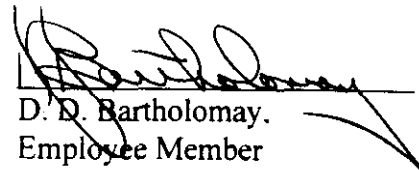
Claims denied.



Martin H. Malin, Chairman



D. A. Ring,
Carrier Member



D. D. Bartholomay,
Employee Member

Dated at Chicago, Illinois, March 20, 2002.