

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 6302

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES)
) Case No. 33
and)
) Award No. 33
UNION PACIFIC RAILROAD COMPANY)

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

Hearing Date: January 23, 2002

STATEMENT OF CLAIM:

1. The discipline (withheld from service and subsequent dismissal) imposed upon Mr. J. Quezada for alleged violation of Union Pacific Rule 1.13 and 1.6 effective April 10, 1994 in connection with travel allowance payments received in connection with air travel from Kansas City International Airport to his home during various weekends of the calendar year 1999, was without just and sufficient cause, on the basis of unproven charges and in violation of the Agreement (System File J-9948-65/1213776).
2. As a consequence of the violation referred to in Part (1) above, Mr. J. Quezada shall have the charges leveled against him removed from his record, be reinstated to service with seniority and all other rights unimpaired and compensated for all time lost beginning June 12, 1999 and continuing.

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 is related to Case No. 32, Award No. 32. Following the investigation which led to Claimant's dismissal that was before the Board in Case No. 32, Award No. 32, Carrier subpoenaed Delta Airlines' records of Claimant's frequent flier account. The records showed additional weekends on which Claimant flew home and received travel allowances based on automobile mileage. That led to the investigation which resulted in the dismissal at issue in the instant claim.

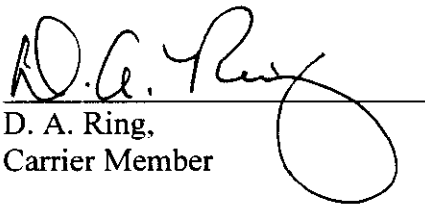
In Case No. 32, Award No.32, we denied the claim challenging Claimant's dismissal for dishonesty in connection with his claim of a travel allowance based on automobile mileage for the weekend of April 9, 1999. In light of that award, the instant claim is moot and must be dismissed.

AWARD

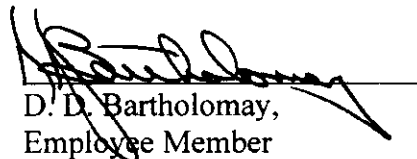
Claim dismissed.



Martin H. Malin, Chairman



D. A. Ring,
Carrier Member



D. D. Bartholomay,
Employee Member

Dated at Chicago, Illinois, June 14, 2002.