

PUBLIC LAW BOARD NO. 6394

AWARD NO. 46

Parties to Dispute:

BROTHERHOOD OF MAINTENCE OF WAY EMPLOYEES

AND

NORTHFOLK SOUTHERN RAILWAY COMPANY

Statement of Claim: Claim of the System Committee of the Brotherhood that:

1. The Carrier violated the Agreement when it refused to allow Mr. J.D. King to utilize his seniority rights as recognized by the Brotherhood of Maintenance of Way Employees Division of the Brotherhood of Teamsters (BMWED) (Carrier's File AG-MW-2-CW-MW-1-58-2 (King)).
2. As a consequence of the violation referred to in Part 1 above, Claimant King shall be allowed to utilize his seniority and shall be granted the remedy in accordance with Rule 30 of the Agreement.

Upon the whole record and all the evidence, after hearing, the Board finds the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

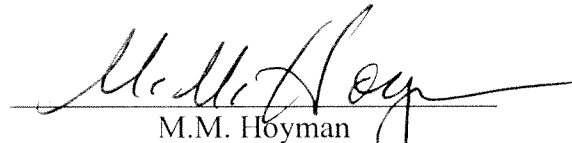
This award is based on the facts and circumstances of this particular case and shall not serve as precedent in any other case.

AWARD

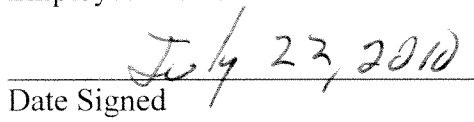
After thoroughly reviewing and considering the record and the parties' presentations, the Board finds that the claim should be disposed of as follows:

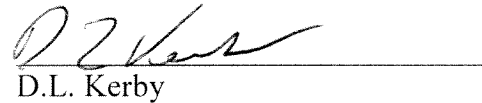
This dispute was resolved between the parties and a mutual request was made for its dismissal. The Board grants the request.

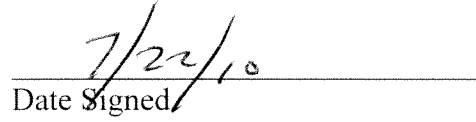
The claim is dismissed.


M.M. Hoyman
Chairperson and Neutral Member


T. Kreke
Employee Member


Date Signed


D.L. Kerby
Carrier Member


Date Signed

Issued at Chicago, Illinois on June 9, 2010.