

**NATIONAL MEDIATION BOARD
PUBLIC LAW BOARD NO. 6402**

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES)
) Case No. 1
and)
) Award No. 19
UNION PACIFIC RAILROAD COMPANY)

Martin H. Malin, Chairman & Neutral Member
D. D. Bartholomay, Employee Member
C. M. Will, Carrier Member

Hearing Date: June 25, 2002

STATEMENT OF CLAIM:

1. The dismissal of Mr. I. P. Lopez for his alleged violation of Union Pacific Rules 1.2.5 and 1.6 by allegedly falsifying an injury report dated December 19, 2000, for an injury allegedly occurring on November 17, 2000, and not presented to Company official until January 2, 2001, was without just and sufficient cause, based on an unproven charge and in violation of the Agreement.
2. Mr. I. P. Lopez shall now be reinstated to service with seniority unimpaired, and compensated for all straight time and overtime he was deprived of as well as any vacation and insurance benefits lost.

FINDINGS:

Public Law Board No. 6402, 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.

It appears that Claimant has settled a related FELA lawsuit in a manner that resolved the instant claim and that included, as one of its terms, Claimant's resignation. Accordingly, the instant claim must be dismissed as moot.

AWARD

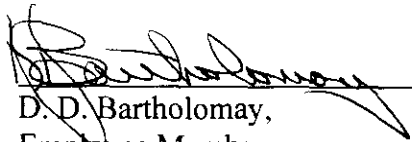
Claim dismissed.



Martin H. Malin, Chairman



C. M. Will,
Carrier Member



D. D. Bartholomay,
Employee Member

Dated at Chicago, Illinois, December 18, 2002.