

**NATIONAL MEDIATION BOARD**

**PUBLIC LAW BOARD NO. 6402**

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES**

and

**UNION PACIFIC RAILROAD COMPANY**

)  
) Case No. 89  
)  
) Award No. 63  
)

Martin H. Malin, Chairman & Neutral Member

D. D. Bartholomay, Employee Member

B. W. Hanquist, Carrier Member

Hearing Date: September 14, 2006

**STATEMENT OF CLAIM:**

1. The Carrier erred when it unjustly disciplined Mr. A. A. Fox for his alleged violation of Union Pacific Rules 80.1 and 70.1 of the General Code of Operating Rules and SSI Item 17 when he sustained an injury to his knee on January 16, 2006.
2. As a consequence of the violation in Part (1) above, the Claimant should have the Level 3 Discipline removed from his record and be compensated for all lost time beginning on February 27, 2006 through and including March 3, 2006.

**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 entered into a settlement with Carrier under which he has released Carrier from all claims related to his injury. Accordingly, the claim must be dismissed as moot.

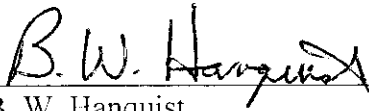
PLB 6402  
Award 63

AWARD

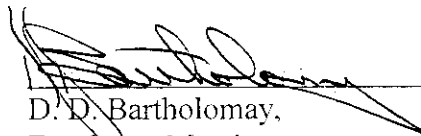
Claim dismissed.



Martin H. Malin, Chairman



B. W. Hanquist  
Carrier Member



D. D. Bartholomay,  
Employee Member

Dated at Chicago, Illinois, February 27, 2007