

**NATIONAL MEDIATION BOARD**

**PUBLIC LAW BOARD NO. 6402**

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES )  
and ) Case No. 107  
UNION PACIFIC RAILROAD COMPANY ) Award No. 86  
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Martin H. Malin, Chairman & Neutral Member  
T. W. Kreke, Employee Member  
B. W. Hanquist, Carrier Member

Hearing Date: January 7, 2008

STATEMENT OF CLAIM:

Claim on behalf of Dequincy Division, Foreman, C. A. Maida, for eight (8) hours each day at his respective straight time rate of pay to begin on February 20, 2006, through and including March 2, 2006, with regard to Carrier's letter dated March 2, 2006, signed by M. M. Whatley, Superintendent, Livonia Service Unit with regard to Carrier terminating Claimant from active service as an agreement employee effective March 2, 2006.

FINDINGS:

Public Law Board No. 6402 upon the whole record and all of 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.

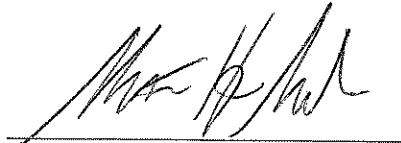
In February 2006, Claimant was serving as Manager Track Maintenance in Beaumont, Texas. By letter dated March 2, 2006, Carrier notified Claimant that his employment was terminated, effective immediately, due to his failure to properly manage the process of scrap metal sales.

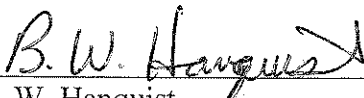
The instant claim concerns the period February 20, 2006 - March 2, 2006. During the period of time covered by this claim, Claimant was not an Agreement-covered employee. Rather, he was a Carrier officer. Accordingly, there is absolutely no basis for this claim.

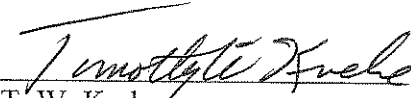
PLB 6402  
Award 86

AWARD

Claim denied.

  
Martin H. Malin, Chairman

  
B. W. Hanquist  
Carrier Member 4-9-08

 4-9-08  
T. W. Kreke  
Employee Member

Dated at Chicago, Illinois, March 31, 2008