

PUBLIC LAW BOARD NO. 7194

AWARD NO. 12

CASE NO. 12

PARTIES TO THE DISPUTE:

Brotherhood of Maintenance of Way Employees Division – IBT Rail Conference

vs.

Union Pacific Railroad Company

ARBITRATOR: Janice K. Frankman

DECISION: Dismissal

STATEMENT OF CLAIM AND MOTION:

Request on behalf of K.J. McCord, for removal of discipline, assessed by Carrier and scheduled for hearing on July 15, 2008, and Motion by Carrier for dismissal with prejudice. (System File 1477657)

FINDINGS:

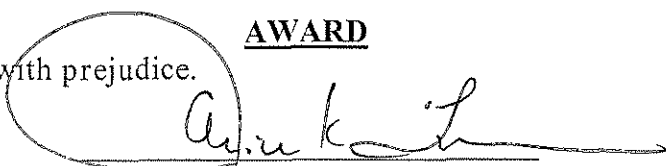
The Board, upon the whole record and all the evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended; that this Board is duly constituted by agreement of the parties; that the Board has jurisdiction over the dispute herein; and that the parties were given due notice of the hearing.

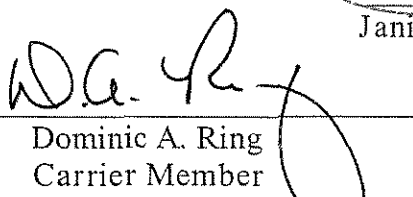
Claimant executed a Release of Claims and an Agreement Not to Return to Work & Resignation on December 5, 2007, in conjunction with McCord vs. Union Pacific Railroad Company, Cause No. 2006-2906 in District Court of El Paso County, Texas., releasing Carrier from all claims and liability arising from his employment including personal injury claims beginning on or about February 8, 2006. Claimant has agreed to not return to or seek work for Carrier.

Prior to hearing of this matter, Carrier moved to dismiss this case as moot. Organization concurred with Carrier's Motion. It is therefore appropriate to grant Carrier's Motion and to dismiss the case with prejudice.

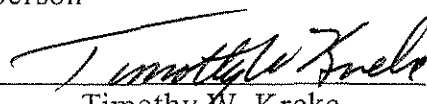
AWARD

Case dismissed with prejudice.

  
Janice K. Frankman, Chairperson  
Neutral Member

  
Dominic A. Ring  
Carrier Member

September 4, 2008

  
Timothy W. Kreke  
Organization Member

Sept. 4, 2008