

PUBLIC LAW BOARD NO. 7194

AWARD NO. 15
CASE NO. 15

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 C.A. Greer, for removal of discipline, assessed by Carrier and scheduled for hearing on July 15, 2008, and Motion by Carrier for dismissal with prejudice. (Carrier's File 1479960D SPW).

FINDINGS:

The Board, upon the whole record and all the evidence, finds that the parties herein are Carrier and Employees 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.

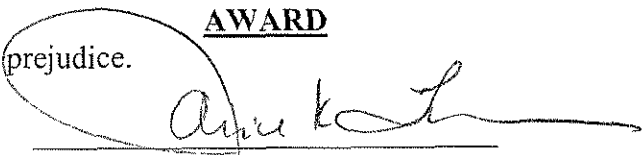
Claimant commenced service with Carrier on August 13, 2004, and holds seniority rights in various classes within the Track Sub-department, Los Angeles Division. He was dismissed from his position for UPGRADE Level 5 violation of GCOR Rule 1.6 on May 25, 2007.

Prior to hearing of this matter, Carrier moved to dismiss this case with prejudice pending execution of a SETTLEMENT AGREEMENT in Case #E200708-T-0067-00-e pending in the California Department of Fair Employment & Housing. Organization concurred with Carrier's Motion.

Following the hearing, Carrier submitted a fully executed SETTLEMENT AGREEMENT reinstating Claimant to his position without loss of seniority. 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


Timothy W. Kreke
Organization Member

September 26, 2008

Sept. 26, 2008