

**PUBLIC LAW BOARD NO. 5383**

Brotherhood of Locomotive Engineers  
Vs.  
Union Pacific Railroad Company

**Statement of Claim:**

Claim of Engineer D. R. Hilligoss for 8 hours at passenger rate on July 17 and 18, 1996 and August 13, 14, 15, 16, 25, 27, 28, 29, 30, and 31, 1996 and September 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, and 28, 1996 account Union Pacific management unilaterally assigned junior promoted engineers to regular commuter passenger assignments as a co-engineer working with the incumbent engineer. The claims of Engineer Hilligoss as entered electronically to Union Pacific Timekeeping Bureau were not declined.

**Findings:**

The record in this case shows that the claims were not declined within the time allowed under the "Claim Handling Process" rules. Accordingly, the claims must be allowed under paragraph 8. without regard to merit and without establishing a precedent or waiver of the contentions of either party in other claims.

**Award**

Claims are allowed as indicated above.

**Order**

Carrier is ordered to make this Award effective within thirty (30) days from the date shown below.

B. W. MacArthur  
Employee Member

J. G. Albano  
Carrier Member

[Signature]  
Chairman and Neutral Member

Dated: Oct 15, 2002