

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 6402

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

UNION PACIFIC RAILROAD COMPANY

)
) Case No. 4
)
) Award No. 16
)

Martin H. Malin, Chairman & Neutral Member
D. D. Bartholomay, Employee Member
C. M. Will, Carrier Member

Hearing Date: June 25, 2002

STATEMENT OF CLAIM:

1. The dismissal of Welder Helper R. Ali for his alleged violation of Union Pacific Rules - Conduct, 1.7 - Altercation and 1.14 - Reporting and Complying with Instructions on November 8 and 9, 1999 was without just and sufficient cause, based on an unproven charge and in violation of the Agreement. (Carrier's File 121718-D CEM).
2. Welder Helper R. Ali shall now be reinstated to service with seniority unimpaired, and compensated for all straight time and overtime he was deprived of as well as any vacation and insurance benefits lost.

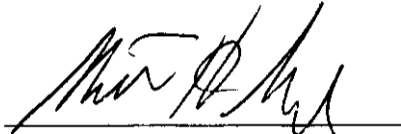

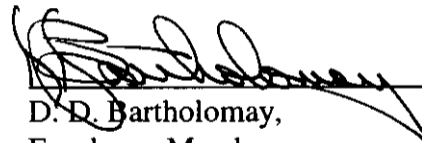
FINDINGS:

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 has come to the Board's attention that this matter has been resolved by an agreement and release executed by Claimant on December 19, 2002. Accordingly, this claim must be dismissed as moot.

AWARD

Claim dismissed.


Martin H. Malin, Chairman
C. M. Will,
Carrier Member
D. D. Bartholomay,
Employee Member

Dated at Chicago, Illinois, January 21, 2003.