

PUBLIC LAW BOARD NO. 6237

AWARD NO. 4

CASE NO. 4

**PARTIES TO
THE DISPUTE:** **Brotherhood of Maintenance of Way Employees**

vs.

Union Pacific Railroad Company

ARBITRATOR: **Gerald E. Wallin**

DECISION: **Claim sustained in accordance with the Findings.**

DATE: **April 2, 2001**

STATEMENT OF CLAIM:

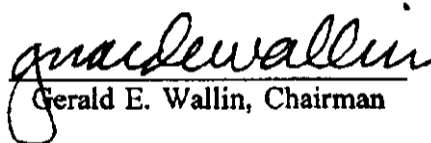
Was the dismissal of Arthur Begay for just cause?

FINDINGS OF THE BOARD:

The Board, upon the whole record and on 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, and that the parties were given due notice of the hearing.

Given the unique circumstances demonstrated by the evidentiary record, the Board finds that Claimant Arthur Begay must be conditionally offered reinstatement to his former employment, on a leniency basis, with seniority and other rights of employment unimpaired but without back pay. Claimant's reinstatement is contingent upon receiving a favorable reemployment recommendation from the Employee Assistance Program counselor. If reinstated, Claimant's time off payroll shall be recorded as a disciplinary suspension for just cause.

AWARD: **The Claim is sustained in accordance with the Findings.**


Gerald E. Wallin, Chairman