

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 6302

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES)

) Case No. 108

and)

) Award No. 113

UNION PACIFIC RAILROAD COMPANY)

Martin H. Malin, Chairman & Neutral Member

D. D. Bartholomay, Employee Member

D. A. Ring, Carrier Member

Hearing Date: June 4, 2007

STATEMENT OF CLAIM:

- (1) The Carrier violated the terms and provisions of the current Collective Bargaining Agreement when on June 7, 2006 Claimant S. Pfel was issued a letter advising him that he was being dismissed from service for a violation of Rule 1.6(2), 1.5 and 90.1 of the General Code of Operating Rules in connection with his pleading guilty to a Class C felony, possession of a controlled substance.
- (2) As a consequence of the violation referred to in Part (1) above, Claimant S. Pfel shall have the Level 5 discipline assessment expunged from his record, he shall be returned to service with all rights restored unimpaired immediately and be compensated for all lost time.

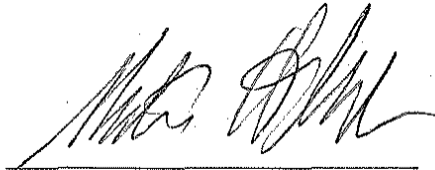
FINDINGS:

Public Law Board No. 6302 upon the whole record and all of 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.

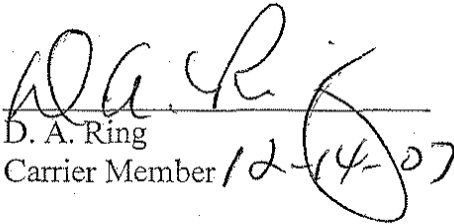
It appears that the instant claim was resolved on the property. Accordingly, this claim is moot and must be dismissed.

AWARD

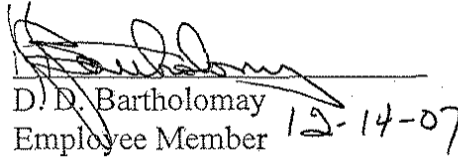
Claim dismissed.



Martin H. Malin, Chairman



D. A. Ring
Carrier Member 12-14-07



D. D. Bartholomay
Employee Member 12-14-07

Dated at Chicago, Illinois, December 6, 2007