

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 6302

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES )

and )

UNION PACIFIC RAILROAD COMPANY )

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) Case No. 115

) Award No. 115

)

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's assessment of Level 3 discipline against Mr. Lopez, the Claimant, was assessed in violation of Rule 48 of the current Collective Bargaining Agreement when he was assessed discipline for entering the operators work zone without a job briefing, placing himself in an unsafe work zone.
- (2) As a consequence of the violation referred to in Part 1, the Carrier is requested to compensate the Claimant for any and all pay lost if he is required to serve the five (5) day suspension, to allow Claimant's benefit provisions as if he had worked, and to remove any mention related to the assessment of the Level 3 discipline from the Claimant's record.

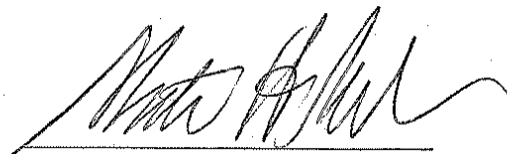
FINDINGS:

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