

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD 6302

NMB NO. 185
AWARD NO. 181

PARTIES TO DISPUTE

CARRIER

Union Pacific Railroad

Carrier's File

1522913

AND

ORGANIZATION

Brotherhood of Maintenance of Way Employees
Division of International Brotherhood of Teamsters

System File

D-0948U-208

STATEMENT OF CLAIM

1. The dismissal of Extra Gang Foreman Bryan Jones for violation of General Code of Operating Rules (GCOR) Rules 1.6 (Conduct) and Rule 1.2.5 (Reporting) in connection with a personal injury sustained on April 27, 2009 and reported on April 29, 2009 is unjust, unwarranted, based on unproven charges and in violation of the Agreement.

2. As a consequence of the violation referred to in Part 1 above, the Level 5 dismissal shall be reversed and Mr. Jones shall be made whole as of there had been no discipline issued and no dismissal from service. His record shall be expunged of any mention of this discipline matter and he shall be paid for all hours that he would have worked absent the suspension, including overtime.

FINDINGS

Public Law Board No. 6302, 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.

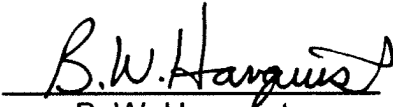
DISPOSITION OF CLAIM

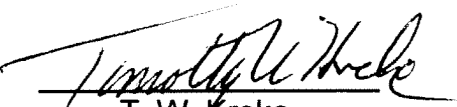
Subsequent to the Board hearing this case, the Board was notified by the Parties that the Claimant had resigned his employment with the Carrier. Consequently, we find in light of Claimant's resignation, this claim to be moot and, accordingly, we rule to dismiss the subject claim in its entirety.

AWARD

Claim Dismissed


George Edward Lapney
Neutral Member & Chairman


B. W. Hanquist
Carrier Member


T. W. Kreke
Employee Member

Chicago, Illinois
Date 10/25/10