

PUBLIC LAW BOARD NO. 7633

Brotherhood of Maintenance
of Way Employees Division - IBT

and

Union Pacific Railroad
(Former Missouri Pacific Railroad)

Case No. 82
Award No. 82

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

1. The Carrier’s discipline (dismissal) of Mr. R. Blackwell for allegedly colliding with a tie inserter while operating a tie crane was without just and sufficient cause, unwarranted and in violation of the Agreement (System File UP701BT16/1663640D MPR).
2. As a consequence of the violation referred to in Part 1 above, Claimant R. Blackwell shall be allowed to return to work with all vacation and seniority rights unimpaired, the charges and discipline be removed from his personal record and he be compensated for any lost time including overtime, per diem and mileage and that he be reimbursed for any additional expenses incurred that would have been covered by the Carrier.”

FINDINGS:

Public Law Board No. 7633, upon the whole record and all the evidence, finds the parties involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as amended; this Board has jurisdiction of the dispute herein; the parties were given due notice of hearing before this Board and they participated therein.

The Organization appealed the discipline and the Carrier denied the appeals. The dispute was not resolved during a settlement conference and progressed to arbitration. When this matter came before the Board for final and binding resolution, the Board was advised at the hearing that this claim has been resolved on the property. Accordingly, this claim is dismissed.

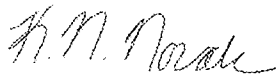
AWARD:

Claim dismissed.

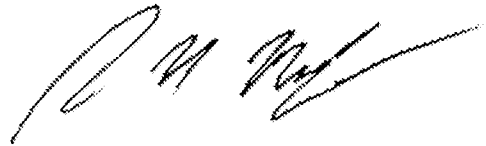


Robert Grey
Neutral Member

Dated: May 11, 2018



Katheirne Novak
Carrier Member



Andrew Mulford
Labor Member