

PUBLIC LAW BOARD NO. 7660

**BROTHERHOOD OF MAINTENANCE OF WAY
EMPLOYEES DIVISION - IBT**

and

UNION PACIFIC RAILROAD COMPANY

**Case No: 104
Award No: 104**

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

1. The Carrier's refusal to allow Mr. E. Furbush, Jr. to exercise seniority and its termination of Mr. E. Furbush, Jr. from service without benefit of a fair and impartial hearing was arbitrary, unsupported, unwarranted and in violation of the Agreement (System File A-1722U-001/1690098 UPS).
2. As a consequence of the violation referred to in Part 1 above, Claimant E. Furbush, Jr. shall be returned to service immediately with seniority and other benefits unimpaired, have the discipline removed from his record, afforded all compensation such as straight time and overtime compensation and afforded all credits for vacation and retirement."

FINDINGS:

This Board derives its authority from the provisions of the Railway Labor Act, as amended, together with the terms and conditions of the Agreement by and between the Brotherhood of Maintenance Employees Division – IBT (hereinafter referred to as the “Organization”) and the Union Pacific Railroad Company (hereinafter referred to as the “Carrier”). Upon the whole record, a hearing, and all evidence as developed on the property, the Board finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended; that this Board has jurisdiction over the dispute involved herein; and that the parties were given due notice of the hearing thereon. The Claimant was ably represented by the Organization.

The Organization submitted its claim on July 12, 2017 alleging that the Carrier improperly denied the Claimant’s ability to exercise his seniority in his prior craft and afford

him a hearing and investigation as provided for by Articles 22 and 48 of the Agreement. The record indicates that the Carrier denied subsequent appeals by the Organization and rendered its final written decision on October 5, 2017. The Organization rejected the Carrier's decision and moved to have the matter adjudicated before this Board.

Subsequent to the closing of the Board's hearing on November 14, 2018, the Organization and the Carrier reached a mutual resolution of the dispute, which was satisfactory to the Claimant and the parties. As such, the Board considers this case as handled to a conclusion and therefore, does not require further consideration.


AWARD

Claim dismissed.



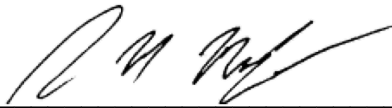
Michael Capone
Neutral Member

Dated: January 17, 2019



Alyssa K. Borden
Carrier Member

Dated: 01/17/19



Andrew M. Mulford
Labor Member

Dated: 01/17/19