

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 6302

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

and

UNION PACIFIC RAILROAD COMPANY

)

) Case No. 64

)

) Award No. 62

)

Martin H. Malin, Chairman & Neutral Member

D. D. Bartholomay, Employee Member

D. A. Ring, Carrier Member

Hearing Date: February 16, 2005

STATEMENT OF CLAIM:

1. The discipline of a Level 5 (dismissal) assessed Mr. J. Centeno for a violation of the Carrier rules in connection with his injury to himself on April 8, 2003 was unwarranted, arbitrary and on the basis of unproven charges.
2. As a consequence of the violation referred to in Part (1) above, the Claimant shall be compensated for all lost time and his record cleared of all charges.

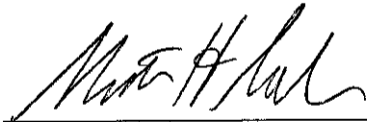
FINDINGS:

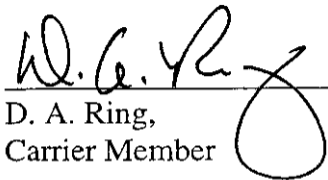
Public Law Board No. 6302, upon the whole record and all the evidence, finds and holds that Employee and Carrier are employee and carrier within the meaning of the Railway Labor Act, as amended; and, that the Board has jurisdiction over the dispute herein; and, that the parties to the dispute were given due notice of the hearing thereon and did participate therein.

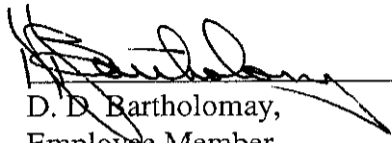
It appears that this matter was resolved by an agreement among Carrier, the Organization and Claimant, dated May 26, 2004, providing, among other things for the leniency reinstatement of Claimant to service and the withdrawal and dismissal of all claims submitted on Claimant's behalf. Accordingly, this matter is moot.

AWARD

Claim dismissed.



Martin H. Malin, Chairman

D. A. Ring,
Carrier Member

D. D. Bartholomay,
Employee Member

Dated at Chicago, Illinois, March 28, 2005