

**NATIONAL MEDIATION BOARD**

**PUBLIC LAW BOARD NO. 6302**

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**

and

**UNION PACIFIC RAILROAD COMPANY**

)

) Case No. 67

)

) Award No. 64

)

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 3 (five day suspension) assessed Mr. Gregory C. Kavanaugh for a violation of the Carrier rules in not conducting a job briefing 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:**

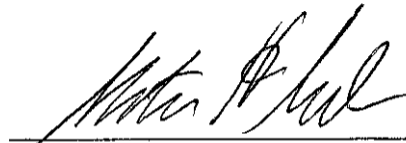
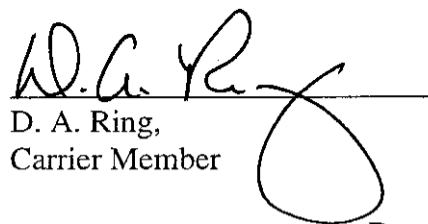
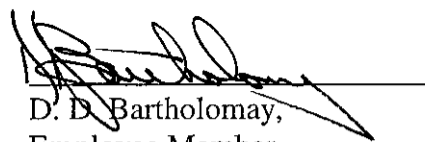
Public Law Board No. 6302, upon the whole record and all the evidence, finds and holds that Employee and Carrier are employee and carrier within the meaning of the Railway Labor Act, as amended; and, that the Board has jurisdiction over the dispute herein; and, that the parties to the dispute were given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

The Organization has indicated its desire to withdraw this claim from further consideration. Accordingly, the claim must be dismissed.

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**AWARD**

Claim dismissed.

  
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Martin H. Malin, Chairman  
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D. A. Ring,  
Carrier Member  
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D. D. Bartholomay,  
Employee Member

Dated at Chicago, Illinois, March 28, 2005