

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 6302

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

and

UNION PACIFIC RAILROAD COMPANY

)
) Case No. 74
)
) Award No. 65
)

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 Agreement was violated when Carrier terminated the seniority of T. Lee pursuant to Rule 48(k) because of absenteeism without authority between March 1 through March 7, 2003. (System File J-03458-55/1361178).
2. As a consequence of the violation referred to in Part (1) above, T. Lee shall be reinstated to service with seniority and all other rights unimpaired and compensated for all time lost.

FINDINGS:

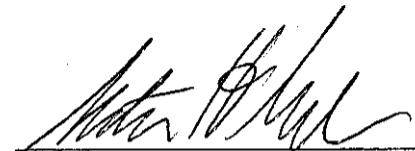
Public Law Board No. 6302, upon the whole record and all the evidence, finds and holds that Employee and Carrier are employee and carrier within the meaning of the Railway Labor Act, as amended; and, that the Board has jurisdiction over the dispute herein; and, that the parties to the dispute were given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

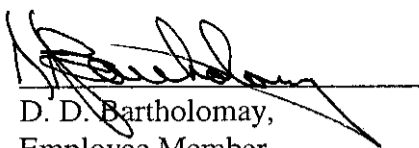
Claim dismissed.



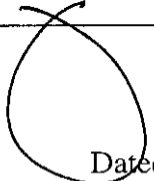
Martin H. Malin, Chairman



D. A. Ring,
Carrier Member



D. D. Bartholomay,
Employee Member



Dated at Chicago, Illinois, March 28, 2005