NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 6402
AWARD NO. 145, (Case No. 166)

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
DIVISION - IBT RAIL CONFERENCE

vs

UNION PACIFIC RAILROAD COMPANY (Former Missouri Pacific Railroad Company)

William R. Miller, Chairman & Neutral Member
T. W. Kreke, Employee Member
B. W. Hanquist, Carrier Member

Hearing Date: August 17, 2010

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

1. The Level 3 discipline imposed upon Foreman J. Geigenmiller for violation for violation of Rule 1.13 (Reporting and Complying with instructions) in connection with his alleged failure to report and comply with instructions from his supervisor resulting in unknown status on June 22, 2009 is based on unproven charges, unjust, unwarranted and excessive (System File UP-221-WF-09/1520935D).

2. As a consequence of the violation outlined in Part 1 above, we are now requesting that the charges be dropped and that Mr. Geigenmiller have his personal record cleared of all charges. Also, that he be reinstated with all back pay, seniority and vacation rights unimpaired and all other rights due to him by the collective bargaining agreement."
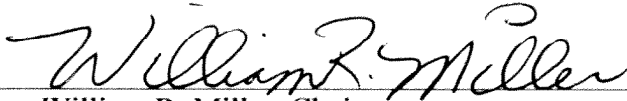
FINDINGS:

Public Law Board No. 6402, 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.
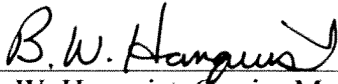
This was the first in a series of two cases involving the same Claimant. Shortly before the scheduled hearing of this case the parties settled the issue, therefore, the Board finds and holds that because the issue is now moot, the case is dismissed.
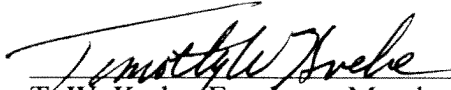
AWARD

Claim dismissed.

William R. Miller
William R. Miller, Chairman

B. W. Hanquist
B. W. Hanquist, Carrier Member

Timothy W. Kreke
T. W. Kreke, Employee Member

Award Date: _October 4, 2010_