

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 6402

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

UNION PACIFIC RAILROAD COMPANY

)
) Case No. 88
)
) Award No. 62
)

Martin H. Malin, Chairman & Neutral Member

D. D. Bartholomay, Employee Member

B. W. Hanquist, Carrier Member

Hearing Date: September 14, 2006

STATEMENT OF CLAIM:

1. The Carrier erred when it unjustly disciplined Mr. M. D. Favorite for his alleged violation of Union Pacific Rules 1.6 - Discourteous, quarrelsome and acting in a threatening manner on February 9, 2006.
- 2). As a consequence of the violation in Part (1) above, the Claimant should have the Level 5 Discipline removed from his record and be compensated for all lost time beginning on February 9, 2006 and continuing until he is returned to service.

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.

It appears that this matter was resolved on the property with Claimant and the Organization agreeing to a leniency reinstatement. Accordingly, the claim must be dismissed as moot.

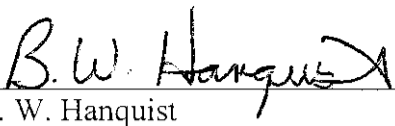
PLB 6402
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AWARD

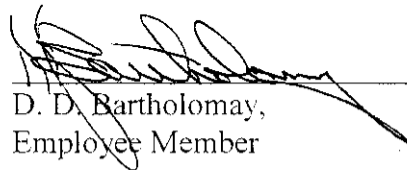
Claim dismissed.



Martin H. Malin, Chairman



B. W. Hanquist
Carrier Member



D. D. Bartholomay,
Employee Member

Dated at Chicago, Illinois. February 27, 2007