

In the Matter of the Arbitration Between:

**BURLINGTON NORTHERN SANTA FE
RAILWAY COMPANY**

and

UNITED TRANSPORTATION UNION

NMB Case No. 5
**Claim of Crew for
Basic Day for
Making Cut in Track**

STATEMENT OF CLAIM: Crew claims basic day at the yard rate account making cut in track 162 at Richmond per ATM instructions. Made cut between NKCR 1285 and NKCR 1279 on track 162 while yard drew on duty.

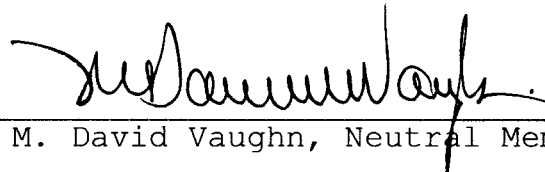
FINDINGS OF THE BOARD: The Board finds that Carrier and Organization are, respectively, Carrier and Organization, and Claimant employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted and has jurisdiction over the parties, claim and subject matter herein, and that the parties were given due notice of the hearing which was held on July 2, 2004, at Washington, D.C. Claimants were not present at the hearing. The Board makes the following additional findings:

The Carrier and Organization are Parties to a collective bargaining agreement which has been in effect at all times relevant to this dispute, covering the Carrier's employees in the Trainman and Yardman crafts.


The Board makes the following Award.

AWARD: The claim is dismissed.

Dated this 9th day of December, 2004.


M. David Vaughn, Neutral Member


Gene L. Shire, Carrier Member


R. L. Marceau, Employee Member