



October 22, 2009
 Organization file # 795559700
 USPS TRACKING# **7006 2150 0001 4861 6898**

To: Liz Dewald
 Labor Relations
 1400 Douglas Street STOP 0710
 Omaha, NE. 68179-0710

Dear Liz,
 This will serve as my formal notice of appeal to you for the following claim:

Craft/Title	Engineer
Claimant	JW Amsbury
EMP ID	244214
Claim Date	08/25/2009
=PE/Receipt for Claim #	795559700
Declination #:	7955597
Amount Claimed	\$453.35

On Claim Date Claimant was:

Assigned At:	WD640
Working Assignment:	EP04
Working From Board:	RE01

ADDITIONAL SPECIFICS OF CLAIM:

The payment should be made of \$453.35 in lost earnings. CMS-Timekeeping penalized claimant a basic day for being force to lay off FR. The carrier put claimant into FR, the claimant did not request this status but was place in this status by the carrier.

ARGUMENT:

Claimant was placed into FR and put at the bottom of the WD640 XE01 board with other employees who had laid-off LS, LP, and other non-compensated layoffs. Claimant was place into FR on 8/25/09 13:25 until 8/27/09 13:25. The BLE guarantee extra board agreement does not address FR as an occurrence. In this case the carrier place the claimant into the status of FR and not the claimant, therefore the claimant was being held at the instruction of the carrier.

Specific, relevant agreement provision(s) and/or arbitration award(s) supporting claim:

The BLE Guaranteed Extra Board Agreement. May 15th Clarification Guaranteed Extra Board Agreement.

**MEMORANDUM OF AGREEMENT
#1803159630
between the
UNION PACIFIC RAILROAD COMPANY
for the territory
EASTERN DISTRICT
and the
BROTHERHOOD OF LOCOMOTIVE ENGINEERS
GUARANTEED ENGINEER'S EXTRA BOARD**

Extra engineer's unavailable more than two (2) occurrences per pay period, or being unavailable more than 72 combined hours per pay period, will have their guarantee suspended for such pay period. This will include any unavailable status including extra rest, but will exclude layoffs for Company business and local chairman, legislative representative, vice local chairman, secretary treasurer or division president who must lay off for union business.

Labor Relations 1400 Douglas Street STOP 0710 Omaha NE 68178-0710 Office: (402) 544-4562

May 15, 2007

UNION PACIFIC RAILROAD COMPANY

It is understood that the forfeiture of guarantee shall not apply toward absences due to compensated bereavement leave, jury duty, personal leave, and vacation, provided there is intervening service between layoffs. An extra board engineer's guarantee will be pro-rated for the days he/she is not on bereavement leave, jury duty, personal leave, and/or vacation and that these earnings will not be used in calculating the per-half guarantee.

Respectfully

Cullen Kemper
Local Chairman UTU 953C