



NATIONAL MEDIATION BOARD

WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the
REPRESENTATION OF
EMPLOYEES
of
MONTREAL, MAINE & ATLANTIC
RAILWAY, LTD.
Maintenance of Way Employees

32 NMB No. 33

CASE NO. R-7041

DISMISSAL

May 12, 2005

The services of the National Mediation Board (Board) were invoked by the Brotherhood of Maintenance of Way Employees Division-IBT (BMWE-IBT) on March 11, 2005, to investigate and determine who may represent for the purposes of the Railway Labor Act (RLA), as provided by Section 2, Ninth, thereof, personnel described as "Maintenance of Way Employees," employees of Montreal, Maine & Atlantic Railway, Ltd. (Carrier).

At the time this application was received, these employees were unrepresented.

The Board assigned Investigator Susanna Fisher to investigate.

FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Maintenance of Way Employees, and by direction of the Board, the Investigator was instructed to conduct an election to determine the employees' representation choice.

The following is the result of the election as reported by Investigator Fisher.

Number of Employees Voting:

	<u>BMWE-IBT</u>	<u>Number of Employees Eligible</u>
Maintenance of Way Employees	26	54

The Board further finds that: the Carrier and employees in this case are, respectively, a Carrier and employees within the meaning of the RLA, as amended; this Board has jurisdiction over the dispute involved herein; and the interested parties, as well as the Carrier, were given due notice of the Board's investigation.

On the basis of the investigation and report of election which establishes that less than a majority of eligible employees cast valid votes for representation, the Board finds no basis for certification and the application is, therefore, dismissed subject to Part 1206.4(b) of the NMB Rules.

By direction of the NATIONAL MEDIATION BOARD.



Mary L. Johnson
General Counsel