



NATIONAL MEDIATION BOARD

WASHINGTON, DC 20572

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In the Matter of the
REPRESENTATION OF
EMPLOYEES
of
M&B RAILROAD, L.L.C.
Carmen

34 NMB No. 31

CASE NO. R-7117

DISMISSAL

May 24, 2007

The services of the National Mediation Board (Board) were invoked by the Brotherhood of Maintenance of Way Employes Div.-IBT (BMWV Div.-IBT) on April 4, 2007, 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 "Carmen," employees of M&B Railroad, L.L.C. (Carrier).

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

The Board assigned Investigator Kendrah Davis to investigate.

FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Carmen, 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 Davis.

Number of Employees Voting:

	<u>BMW Div.-IBT</u>	<u>Number of Employees Eligible</u>
Carmen	0	3

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