



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the
**REPRESENTATION OF
EMPLOYEES**

of
**MERIDIAN AND BIGBEE
RAILROAD**

Maintenance of Way Employees

38 NMB No. 40

CASE NO. R-7277

DISMISSAL

April 13, 2011

The services of the National Mediation Board (Board) were invoked by James Carson, an individual, on February 7, 2011, 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 Meridian and Bigbee Railroad (Carrier).

At the time this application was received, these employees were represented by the Brotherhood of Maintenance of Way Employees Division-IBT (BMWE).

The Board assigned Investigator Maria-Kate Dowling 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 Angela I. Heverling.

<u>Election Results for Maintenance of Way Employees</u>	
Eligible Employees	8
Total Valid Votes	8
BMWE	0
Other	0
“No” Votes	8

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 a majority of the valid votes cast was for no 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