



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the
REPRESENTATION OF
EMPLOYEES
of
APACHE RAILWAY
Trainmen

44 NMB No. 15

CASE NO. R-7481

DISMISSAL

April 21, 2017

The services of the National Mediation Board (Board) were invoked by Gilbert Alvarez (An Individual) on February 27, 2017, to investigate and determine who may represent for the purposes of the Railway Labor Act (RLA),¹ as provided by Section 2, Ninth, thereof, personnel described as "Trainmen," employees of Apache Railway Company (Carrier).

At the time this application was received, these employees were represented by the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART).

The Board assigned Investigator Norman Graber to investigate.

FINDINGS

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

¹ 45 U.S.C. § 151, *et seq.*

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

<u>Election Results for Trainmen</u>	
Eligible Employees	2
Total Valid Votes	2
Gilbert Alvarez	0
SMART	0
"No" Votes	2

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