



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the

REPRESENTATION OF
EMPLOYEES

of

APPALACHIAN & OHIO
RAILROAD, INC.

Train & Engine Service Employees

33 NMB No. 28

CASE NO. R-7076

DISMISSAL

April 13, 2006

The services of the National Mediation Board (Board) were invoked by the United Transportation Union (UTU) on January 30, 2006, 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 "Train & Engine Service Employees," employees of Appalachian & Ohio Railroad, Inc. (Carrier).

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

The Board assigned Investigator Susanna C. Fisher to investigate.

FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Train & Engine Service 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>VOID</u>	<u>UTU</u>	<u>Number of Employees Eligible</u>
Train & Engine Service Employees	1	19	40

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