

**Form 1**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
FIRST DIVISION**

Award No. 26831  
Docket No. 46609  
09-1-NRAB-00001-070046  
07-1-46

The First Division consisted of the regular members and in addition Referee Robert Richter when award was rendered.

**PARTIES TO DISPUTE:** ( **United Transportation Union**  
( **BNSF Railway Company**)

**STATEMENT OF CLAIM:**

**“Organization File# DISP TRANGSRUD 3/13/2005  
Carrier File# 53-05-0459D**

**Claim in behalf of Minot, ND Conductor C. A. Trangsrud for immediate return to service, all time lost including attending investigation, and complete record clearance of the entire incident account dismissed from service on May 23, 2005, for alleged violation of GCOR Rules 1.13 and 1.3.3 (alleged failure to provide signed Federal Hours of Service tie up information for March 12, 2005, upon returning to your home terminal as required, which first knowledge was made known on April 5, 2005, and your alleged failure to comply with instructions from Trainmaster Staus on providing your own transportation from Dilworth, MN to Minot, ND while off duty on March 13, 2005).”**

**FINDINGS:**

The First Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

At an Investigation held on May 9, the Carrier found that the Claimant violated Rules 1.13 and 1.3.3 on March 13, 2005. The Claimant did not attend the Investigation. On May 23, 2005 the Carrier dismissed the Claimant from its service, once more.

This case is a companion to First Division Award 26830.

When the Claimant laid off at his away-from-home terminal at Dilworth, Minnesota, the Claimant was told that he would have to find his own way back to Minot, North Dakota. Against instructions the Claimant took a train back to Minot. Additionally, the Claimant was required to complete a signed time slip upon his arrival at Minot for the trip he previously completed to Dilworth. The Claimant failed to do so.

The Carrier met its burden of proving that the Claimant violated its Rules. This violation, as in the previous case, warrants the Carrier's action of dismissal.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of First Division

Dated at Chicago, Illinois, this 2nd day of April 2009.