

NATIONAL MEDIATION BOARD
PUBLIC LAW BOARD NO. 7167

Parties to Dispute:

UNITED TRANSPORTATION UNION

-and-

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY CORPORATION

OPINION & AWARD

Case No. 10

Claimant T. G. Nicholson

EMPLOYEE'S STATEMENT OF CLAIM:

"Claim in behalf of Great Falls, MT Conductor T. G. Nicholson for pay for all time lost and complete record clearance account thirty (30) day suspension and three (3) year probation for alleged violation of TY&E Safety Supplement Rule S-12.5 (alleged failure to wear seat belt in contract van) on July 18, 2001."

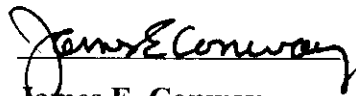
FINDINGS

The Board finds that the parties herein are Carrier and Employee as defined by the Railway Labor Act, as amended; that the Board has jurisdiction over this dispute; and that due notice of the hearing thereon has been given to the parties.

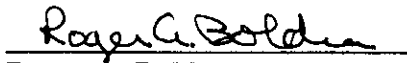
Upon careful review of the record, the Board respectfully sustains the claim.

A W A R D

The Claim is sustained.



James E. Conway
Chairman and Neutral Member


Roger A. Boldra
Carrier Member


J. D. Fitzgerald
Employee Member

Dated: August 30, 2008
Great Falls, VA