

NATIONAL MEDIATION BOARD
PUBLIC LAW BOARD NO. 7167

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|------------------------------|---|----------------------------|
| Parties to Dispute: |) | |
| |) | |
| UNITED TRANSPORTATION UNION |) | <u>OPINION & AWARD</u> |
| |) | |
| -and- |) | Case No. 28 |
| |) | |
| THE BURLINGTON NORTHERN AND |) | Claimant D. R. Nelson |
| SANTA FE RAILWAY CORPORATION |) | |

EMPLOYEE'S STATEMENT OF CLAIM:

"This will present appeal and claim in behalf of Havre, MT Conductor D. R. Nelson for pay for attending investigation and complete record clearance account ten (10) day record suspension for alleged violation of GCOR 1.13 (alleged failure to comply with instructions of BNSF's Guidelines for TY&E Attendance) as evidenced by BNSF TY&E Attendance System report received in Carrier' office July 11, 2005."

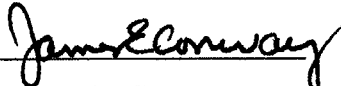
FINDINGS

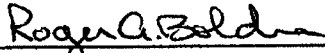
The Board finds that the parties herein are Carrier and Employee as defined by the Railway Labor Act, as amended; that the Board has jurisdiction over this dispute; and that due notice of the hearing thereon has been given to the parties.

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

A W A R D

The Claim is denied.


James E. Conway
Chairman and Neutral Member


Roger A. Boldra
Carrier Member


J.L. Schollmeyer
Employee Member

Dated: June 25, 2009
Great Falls, VA