PUBLIC LAW BOARD NO. 7221

UNITED TRANSPORATION UNION	)	
	)	**CASE NO. 5**
vs.	)	**AWARD NO. 5**
	)	
BNSF RAILWAY COMPANY	)	

STATEMENT OF CLAIM:

Claim in behalf of Willmar, MN M.D. Loos for pay for all lost earnings and complete record clearance account thirty (30) suspension (15 days served, 15 days deferred, May 13, 2001 through and including May 27, 2001, for alleged violation of GCOR Rule 6.5 (failure to protect shoving movement).

FINDINGS:

Public Law Board No. 7221, upon the whole record and all the evidence, finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that the Board has jurisdiction over the dispute herein; and that the parties to the dispute were given due notice of the hearing and did participate therein.

We have carefully reviewed the record in its entirety. First, we find no evidence of any procedural irregularity or unfairness in the conduct of the hearing. On the merits, the record demonstrates that the Carrier has met its burden of proving Claimant's guilt by substantial evidence. We see no reason to disturb the penalty determined appropriate by the Carrier.

AWARD

Claim denied.

JACALYN J. ZIMMERMAN
Neutral Member

ROGER BOLDRA
Carrier Member

J.L. SCHOLLMEYER
Organization Member

Dated this 31st day of October, 2008.