

PUBLIC LAW BOARD NO. 7221

UNITED TRANSPORTATION UNION)
)
 vs.) CASE NO. 7
) AWARD NO. 7
)
BNSF RAILWAY COMPANY)

STATEMENT OF CLAIM:

Claim in behalf of Seattle, WA Conductor B.J. Moberg for pay for all time list, including investigation, and complete record clearance account ten (10) day record suspension for alleged violation of GCOR 8.2 (alleged failure to remove derail at Gargil Nutrena Track #2562, derailling engine BNSF 2079, at approximately 2235 hours on October 24, 2004, while working as a crew member on the R NEW816-24, on duty at Mt. Vernon, WA at 2000 hours).

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. SCHOLLMAYER
Organization Member

Dated this 31st day of October, 2008.