

PUBLIC LAW BOARD NO. 7221

UNITED TRANSPORTATION UNION )

vs. )

BNSF RAILWAY COMPANY )

CASE NO. 11

AWARD NO. 11

**STATEMENT OF CLAIM:**

Claim in behalf of Great Falls, MT Conductor J.G. Short for complete record clearance account formal reprimand for alleged violation of GCOR Rule 1.13 (alleged failure to comply with instructions, Attendance Guidelines) as reported on September 8, 2001.


**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.I. SCHOLLMAYER  
Organization Member

Dated this 31<sup>st</sup> day of October, 2008.