

PUBLIC LAW BOARD NO. 7221

UNITED TRANSPORTATION UNION	)	
	)	CASE NO. 14
vs.	)	AWARD NO. 14
	)	
BNSF RAILWAY COMPANY	)	

**STATEMENT OF CLAIM:**

Claim in behalf of Great Falls, MT Brakeman W.G. Stuart for pay for all time lost including attending investigation and complete record clearance account thirty (30) day suspension, September 25, 2001 through and including October 15, 2001, and three (3) year probation for alleged violation of GCOR Rule 1.3.2 and TYE Safety Supplement 13.1.1 (alleged failure to properly communicate with locomotive engineer when going in between equipment) on July 19, 2001.

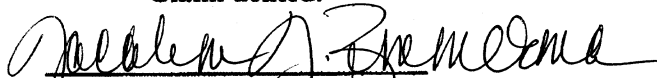
**FINDINGS:**

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.

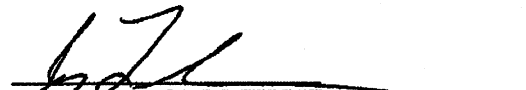
We have carefully reviewed the record in its entirety. First, we find no evidence of any procedural irregularity or unfairness in the conduct of the hearing. On the merits, the record demonstrates that the Carrier has met its burden of proving Claimant's guilt by substantial evidence. We see no reason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

**AWARD**

Claim denied.

  
 JACALYN J. ZIMMERMAN  
 Neutral Member

  
 ROGER BOLDRA  
 Carrier Member

  
 J.L. SCHOLLMAYER  
 Organization Member

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