

PUBLIC LAW BOARD NO. 7221

UNITED TRANSPORTATION UNION)
)
 vs.) CASE NO. 17
) AWARD NO. 17
)
BNSF RAILWAY COMPANY)

STATEMENT OF CLAIM:

Claim in behalf of Denver, CO Conductor K.J. Espinoza for pay for all time lost attending investigation, including (2) productivity shares, and complete record clearance of the entire incident account formal reprimand for violation of GCOR Rules 1.1.3 and 1.13 (BNSF Attendance Guidelines) by laying off six and one half weekend days (in addition to six excluded weekend days) between November 1, 2001 and January 31, 2002. Payment to include reimbursement of \$400.00 to Local 201, for payment of representation, because of Carrier flagrant violation of Appendix I, in scheduling an investigation.


FINDINGS:

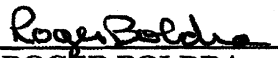
Public Law Board No. 7221, upon the whole record and all the evidence, finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that the Board has jurisdiction over the dispute herein; and that the parties to the dispute were given due notice of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

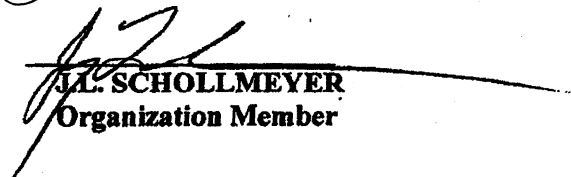
We have carefully reviewed the record in its entirety. First, we find no evidence of any procedural irregularity or unfairness in the conduct of the hearing. On the merits, the record demonstrates that the Carrier has met its burden of proving Claimant's guilt by substantial evidence. We see no reason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