

PUBLIC LAW BOARD NO. 7221

UNITED TRANSPORTATION UNION )  
 )  
 vs. ) CASE NO. 20  
 ) AWARD NO. 20  
 )  
 BNSF RAILWAY COMPANY )

**STATEMENT OF CLAIM:**

Claim in behalf of Seattle, WA Brakeman T.R. Stuller for removal of formal reprimand and one (1) year probation from his personal record and payment for time involved in attending investigation held November 26, 2003, for alleged violation of BNSF's attendance guidelines policy, and as such with not being a full time employee during the period of August, September and October 2003.

**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.J. SCHOLLMAYER  
Organization Member

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