AWARD NO. 317
Case No. 317

Organization File No. D171-340-15T
Carrier File No. 51-15-0222D

PUBLIC LAW BOARD NO. 7020

PARTIES) SMART - TRANSPORTATION DIVISION
)
TO)
)
DISPUTE) BNSF RAILWAY COMPANY

STATEMENT OF CLAIM:

Claim of Illinois-Wisconsin Seniority District (Aurora) Conductor P. R. Anthony and our request for the removal of censure from his personal record and pay for all time lost (formal reprimand) as the result of an investigation held on July 17, 2015.

FINDINGS:

The Board, upon consideration of the entire record and all of the evidence, finds that the parties are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated August 31, 2006, this Board has jurisdiction over the dispute involved herein, and that the parties were given due notice of the hearing held.

During the months of March and April 2015, Claimant was in assigned service at Aurora, Illinois. He was in mixed service during May 2015. Consequently, during this three-month period the Carrier's Attendance Guidelines allowed him to lay off a maximum of two "any" days. Because he was unavailable for service on three days, Claimant was directed to attend a formal investigation at which he was charged with failing to perform service as a full-time employee. Following the investigation, Claimant was issued a formal reprimand.

Upon our review of the record of the investigation, we find that the Carrier did not have substantial evidence to support its charge against Claimant. We will, therefore, direct that the discipline be removed from Claimant's record and that he be paid for any lost time.

AWARD: Claim sustained. The Carrier is directed to comply with this Award within 45 days.

Barry E. Simon
Chairman and Neutral Member

J. M. LaPresta
Employee Member

Rachel Taylor
Carrier Member

Dated: November 16, 2017
Arlington Heights, Illinois