

AWARD NO. 363
Case No. 363

Organization File No. D171-002-16T
Carrier File No. 5116-0002

PUBLIC LAW BOARD NO. 7331

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

STATEMENT OF CLAIM:


Claim for the denial of the discipline of Illinois-Wisconsin Seniority District (Aurora) Brakeman J. J. Dalberti and our request for removal of censure from his personal record and pay for all time lost (formal reprimand) as the result of an investigation held September 24, 2015.

FINDINGS:

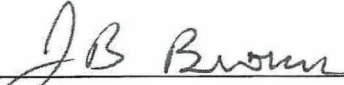
The Board, upon consideration of the entire record and all of the evidence, finds that the parties are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated July 1, 2009, this Board has jurisdiction over the dispute involved herein, and that the parties were given due notice of the hearing held.

The Board has reviewed the record before it and finds there is substantial evidence to support the Carrier's charge against Claimant. We find, however, that the discipline imposed has served its purpose and we direct that it be removed from Claimant's record without pay for time lost.


AWARD: Claim sustained in accordance with above Findings.



Barry E. Simon
Chairman and Neutral Member



J.B. Brown
Employee Member



A. N. Smith
Carrier Member

Dated: 12/11/2017
Arlington Heights, Illinois