

AWARD NO. 368  
Case No. 368

Organization File No. D934-115-15  
Carrier File No. 5115-0099

**PUBLIC LAW BOARD NO. 7331**

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

STATEMENT OF CLAIM:


Claim for the denial of the discipline claim of Wyoming Seniority District (Alliance) Conductor A. Plasencio and our request for removal of censure from his personal record and pay for all time lost (20-day record suspension) as the result of an investigation held January 13, 2015.

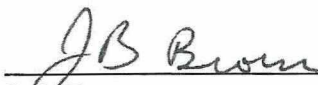
FINDINGS:


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.

AWARD: Claim denied.

  
Barry E. Simon  
Chairman and Neutral Member

  
J. B. Brown  
Employee Member

  
A. N. Smith  
Carrier Member

Dated: 12/11/2017  
Arlington Heights, Illinois