

AWARD NO. 381
Case No. 381

Organization File No. D171-089-16T
Carrier File No. 5116-0079

PUBLIC LAW BOARD NO. 7331

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

STATEMENT OF CLAIM:

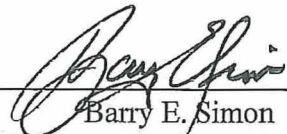
Claim for the denial of the discipline claim of Illinois-Wisconsin Seniority District (Aurora) Brakeman K. F. Baker and our request for removal of censure from his personal record and pay for all time lost (10-day record suspension) as the result of an investigation held December 8, 2015.

FINDINGS:

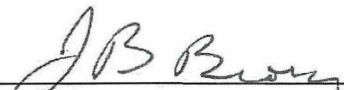
The Board, upon consideration of the entire record and all of the evidence, finds that the parties are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated July 1, 2009, this Board has jurisdiction over the dispute involved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

The Board has reviewed the record before it and finds the Carrier has failed to produce substantial evidence to support its charge against Claimant.


AWARD: Claim sustained. Carrier is directed to comply with this Award within 30 days.



Barry E. Simon
Chairman and Neutral Member



J.B. Brown
Employee Member



A. N. Smith
Carrier Member

Dated: 12/11/2017
Arlington Heights, Illinois