

PUBLIC LAW BOARD NO. 7425

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

STATEMENT OF CLAIM:

Claim of Switchman Sean L. Cosens for removal of censure from his personal record of a Level S 30 Day Record Suspension and pay for all time lost as a result of an investigation held on September 1, 2016. (Organization File No. D426-293-16A; Carrier File No. 50-16-0044D)

FINDINGS:

The Board, after hearing upon the whole record and all the evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended; this Board has jurisdiction over the dispute involved herein; and, the parties were given due notice of hearing thereon.

In the particular circumstances of record, the Board is not able to reach out to the merits of the dispute in a finding that the record as presented shows the Carrier to have failed to comply with provisions of Article IV, Uniform Investigation Rule. The claim will therefore be sustained without precedent to argument as may be advanced in a future case.

Award: Claim sustained.

Order: The Carrier is directed to make this award effective within 30 days of the date listed below.



Robert E. Peterson
Chair & Neutral Member



James K. Hurlburt
Carrier Member



Nathan R. MacDonald
Organization Member

Fort Worth, TX

Dated: Nov 26, 2018