

PUBLIC LAW BOARD NO. 7425

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

STATEMENT OF CLAIM:

Claim of Auburn, WA Conductor R. Adams for removal of Level S, Thirty (30) Day Record Suspension and Three (3) Year Review Period and pay for all time lost as the result of the investigation held on June 6, 2013. (Organization File No. D2133; Carrier File No. 50-13-0032)

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.

The facts, circumstances and arguments of the parties in this dispute are as the Board found in study and consideration of Case No. 71, except that Case No. 71 involved the discipline appeal of the Engineer of the train to which the Claimant in this case was assigned on May 14, 2013; the instant case involving appeal of discipline assessed the Claimant in the joint charge of failure to secure a proper Track Warrant for their train.

The Board finds no useful purpose to be served by here recording or repeating its Findings in disposition of Case No. 71 in Award No. 71. Suffice it to say that what the Board set forth in its Findings in Award No. 71 has like application to this Case No. 72.

The Board will note, however, as with Case No. 71 where we found worthy of note the closing statement of the Engineer; the closing reflective remarks of the Claimant in this case:

First of all, I'd like to admit and apologize for the incident that happened. I take full responsibility that it did happen. There is extenuating circumstances that I felt pressure that if I had not felt it might have been able to be more thorough in my paperwork. I definitely learned from this experience, and I can assure you that it won't happen again. I'll do the train on my time and make sure everything, all the ducks are in order. And I've also used it as a learning experience for my peers, talked to them about it to make sure


they understand don't let the same thing happen to them as that happened to me so they don't have to be in this type of situation.

For the same reasons as the Board set forth in its Findings in Award No. 71 in disposition of the claim in Case No. 71, we find and will so direct the discipline as administered by the Carrier be modified to that of a Standard Formal Reprimand.

Award:

Claim sustained to the extent as set by the above Findings.


Robert E. Peterson
Chair & Neutral Member


Melissa A. Beasley-Coke
Carrier Member


J. Michael LaPresta
Organization Member

Fort Worth, TX
Dated: 11/9/17