

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 41511
Docket No. MW-41815
13-3-NRAB-00003-120077

The Third Division consisted of the regular members and in addition Referee Dr. Lou Imundo when award was rendered.

(Brotherhood of Maintenance of Way Employees Division -
(IBT Rail Conference
PARTIES TO DISPUTE: (
(BNSF Railway Company (former Burlington Northern
(Railroad Company)

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The discipline [Level S thirty (30) day record suspension and a three (3) year review period] imposed upon Mr. T. Behrens by letter dated September 22, 2010 for alleged violation of MOWOR 6.50.5 for alleged failure to conduct a pre-authority briefing with the dispatcher before obtaining track authority on June 17, 2010 at 0851 hours at/or near Mile Post 234 on the Hastings Subdivision while working as a foreman was arbitrary, capricious, unwarranted and in violation of the Agreement (System File C-11-D040-1/10-11-0032 BNR).
- (2) As a consequence of the violation referred to in Part (1) above, the Carrier shall now remove all reference to the aforesaid discipline from Mr. T. Behrens' personal record.”

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The Claimant failed to perform his job duties and meet his responsibilities.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 19th day of February 2013.