

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 42290  
Docket No. MW-42772  
16-3-NRAB-00003-140487**

**The Third Division consisted of the regular members and in addition Referee Louis V. Imundo, Jr. when award was rendered.**

**(Brotherhood of Maintenance of Way Employees Division -  
( IBT Rail Conference  
PARTIES TO DISPUTE: (  
(BNSF Railway Company**

**STATEMENT OF CLAIM:**

**“Claim of the System Committee of the Brotherhood that:**

- (1) The discipline (coach and counsel letter issued by Roadmaster B. Clifford) imposed upon Foreman J. Hofmann was arbitrary, unwarranted and in violation of the Agreement (System File C-13-A040-12/10-13-0491 BNR).**
- (2) As a consequence of the violation referred to in Part (1) above, the coach and counsel letter shall ‘ . . . be removed from any record they may be maintained in and not be referenced in any forum in relation to Ms. Hofmann’s duties. \*\*\*”**

**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 Carrier met its burden of proof and the assessed discipline was appropriate. Accordingly, the claim before the Board must be denied.

**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 21st day of April 2016.