

PARTIES TO DISPUTE.

(Brotherhood of Maintenance of Way Employees

(The Burlington Northern Santa Fe Railroad

STATEMENT OF CLAIM:

1. That the Carrier's decision to censure Eastern Region, Trackman Joseph F Alvarez personal record was unjust. Because it was not reflected what rules were violated in the Notice of Investigation.
2. That the Carrier now expunge the censure from his personal record as a result of an Investigation held 10:00 A.M., September 5, 1996 continuing forward and/or otherwise made whole, because the Carrier did not introduce substantial, credible evidence that proved that the Claimant violated the rules enumerated in their decision, and even if the Claimant violated the rules enumerated in the decision, the discipline issued is extreme and harsh discipline under the circumstances.
3. That the Carrier violated the Agreement particularly but not limited to Rule 13 and Appendix 11, because the Carrier did not introduce substantial, credible evidence that proved the Claimant violated the rules enumerated in their decision.

FINDINGS

Upon the whole record and all the evidence, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended. Further, the Board is duly constituted by Agreement, has jurisdiction of the Parties and of the subject matter, and the Parties to this dispute were given due notice of the hearing thereon.

Claimant sustained an injury on July 2, 1996. Despite Claimant's protestations to the contrary, he did not report the injury on the day it occurred, in fact, he did not report the injury until a week later.


A record mark is a relatively light assessment for such misconduct. Claimant must report the injury on the day of occurrence or as soon as possible thereafter.

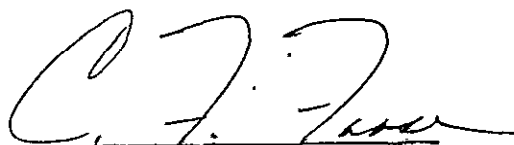
AWARD

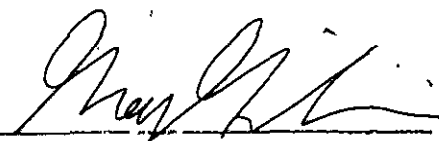
Claim denied.

ORDER

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


Robert L. Hicks
Chairman and Neutral Member


C. F. Foose
Labor Member


Greg Griffin
Carrier Member

Dated 1/2/97