

(Brotherhood of Maintenance of Way Employees

PARTIES TO DISPUTE:

(The Burlington Northern Santa Fe Railroad

STATEMENT OF CLAIM:

1. The Carrier issued a thirty (30) day suspension of Mr. R. Reyes from service for alleged improper and unauthorized use of Company communications and alleged violation of Carrier Rules 1.6, 1.9, 1.13, 1.19, 2.1, 2.2, 2.4, 2.5, 2.9, 2.10, 2.11 and 2.17 of the Carrier Maintenance of Way Operating Rules and Safety Rules S-1.4.2, S-28.6, S-28.6.1, S-28.9, S-28.13 and S-28.18 of the Carrier Safety Rules violated Rule 13 and Appendix No. 11 of the current Agreement
2. As a consequence of the Carrier's violation referred to above, Claimant's seniority shall be restored, he shall be paid for all wages lost and discipline shall be removed from his record.

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.

There is no controversy in this dispute. Claimant readily admitted he violated the Rules when on a day he was off, he used the company radio for his own benefit by shouting emergency when there was none, and for unauthorized use of the company radio.

With no controversy, the only thing left for this Board is to determine if the 30 day assessment of discipline was appropriate. It was.

AWARD


Claim denied.

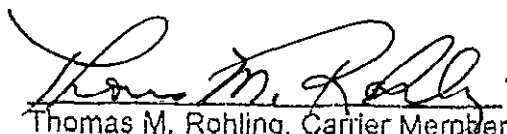
ORDER

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 & Neutral Member


Rick B. Wehrli, Labor Member


Thomas M. Rohling, Carrier Member

Dated: