

**NATIONAL MEDIATION BOARD
PUBLIC LAW BOARD NO. 6516
CASE # 24 AWARD # 24
DON A. HAMPTON, CHAIRMAN AND NEUTRAL
MEMBER**

PARTIES TO DISPUTE

Brotherhood of Railroad Signalmen

And

Burlington Northern Santa Fe Railway Company

**STATEMENT OF CLAIM (verbatim)
(Carrier File No. 35 05 000 1)
(BRS File No. 04-099-BNSF-133-T)**

“(a) Carrier violated the current Signalman’s Agreement particularly Rule 54, when it wrongfully and inappropriately dismissed Mr. Collins II from service on August 31, 2004. Mr. Collins II was denied the right to a fair and impartial investigation on August 6, 2004 and as a result was fired although the Carrier failed to provide burden of proof to warrant his dismissal.

(b) Carrier should now be required to reinstate Mr. Collins II immediately and compensate him for all lost wages, including skill pay with all rights and benefits unimpaired and clear his personal record of this incident.”

FINDINGS

On July 23, 2004 the Carrier sent two(2) notices of Investigation to the Claimant instructing him to attend two (2) separate

Public Law Board No. 6516

Case # 24 Award # 24

Page 2

Investigations. Both Investigations concerned a vehicle accident which occurred on July 16, 2004. In the instant case the Claimant was charged with violation of Rule 12.5 on the Maintenance of Way Safety Rules.

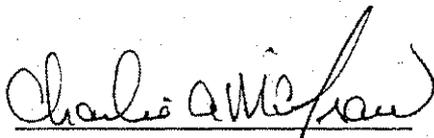
The Board has been advised that the Claimant has obtained a settlement and resigned. Therefore the claim is dismissed.

AWARD

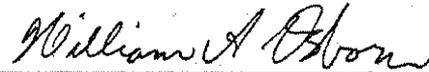
Claim dismissed in accordance with the findings.



Don A. Hampton, Chairman & Neutral Member



**Charlie A. McGraw
Organization Member**



**William A. Osborn
Carrier Member**

DATED: Feb. 13, 2006