

**NATIONAL MEDIATION BOARD
PUBLIC LAW BOARD NO. 6517/6
CASE # 22 AWARD # 22
Don A. Hampton, Chairman & Neutral Member**

PARTIES TO DISPUTE

Brotherhood of Railroad Signalmen

And

Burlington Northern & Santa Fe Railway

STATEMENT OF CLAIM (verbatim)

“Carrier violated the Signalmen’s Agreement particularly Rule 54 when it wrongfully and inappropriately dismissed Mr. Bookout from service on March 15, 2004. Mr. Bookout was denied the right to a fair and impartial investigation on February 20, 2004 and a result was fired although the Carrier failed to provide burden of proof to warrant his dismissal.

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

FINDINGS

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In a letter dated February 11, 2004 the Claimant was instructed to attend an investigation at "...the office of Mr. J.D. Jerenegan Signal Supervisor, 2200 South Union Ave. Tulsa, OK, 74107 10:00 CT, February 20, 2004, with your representative and witness(es), if desired, for a formal investigation to ascertain the facts and determine your responsibility, if any, in connection with (the) possible violation of Signal Instructions TP-103, TP-104, TP-382, and alleged falsification and completion of Signal Form 401, between September 2003 and December 2003, as discovered during audit of your switch reports on February 11, 2004.

Subsequent to the investigation the Claimant was notified by letter dated March 15, 2004 that as a result of the investigation he was dismissed from employment with the Carrier.

A review of the record regarding this claim most surely supports discipline the Claimant for such a serious violation. We are however as in Award # 18 of this Board persuaded that the Claimant should be offered an opportunity to become a valued employee of the Carrier.

We are therefore reinstating the Claimant to the Carrier's Service. The reinstatement will be without pay and the

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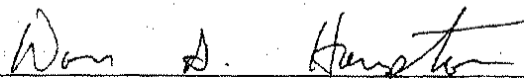
Claimant will be reinstated to a position where he will be working under the supervision of a foreman.

AWARD

Claim sustained in accordance with the findings.

ORDER

The Claimant will be returned to a position, as restricted, and without pay as specified in the findings within thirty (30) days.



Don A. Hampton, Chairman & Neutral Member



Charlie A. McGraw
Organization Member



Ronald O. Naylor
Carrier Member

DATED May 9, 2005