

Special Board of Adjustment No. 1112

Parties to Dispute

Brotherhood of Maintenance of Way)	
Employees' Division/IBT)	
)	
vs)	Case 96/Award 97
)	
Burlington Northern Santa Fe)	
Railway Company)	

Statement of Claim

Appeal of discipline of a ten (10) day record suspension assessed Claimant Raul Juarez on July 5, 2005.

Background

On April 25, 2005 the Claimant to this case, Raul Juarez was advised by the Division Engineer, Northwest Division to attend an investigation in order to determine facts and place responsibility, if any, in connection with his alleged violation of various operating rules. According to the notice of investigation the Claimant, holding classification as grinder, failed to follow instructions dealing with track repairs while working on the Carrier's Yakima Subdivision on or about April 13, 2005.

An investigation of the incident was held on June 8, 2005 at Ellensburg, Washington.. On July 5, 2005 the Claimant was advised that he had been found guilty as charged, and he was assessed discipline as stated in the Statement of Claim.

The discipline was appealed by the Claimant in accordance with Section 6 seq. of an arbitration agreement signed on July 29, 1998 between the Carrier and the

Organization that created Special Board of Adjustment (SBA) 1112 under the authority of the National Mediation Board. In accordance with the provisions of that agreement this case is now properly before SBA 1112. The neutral member has been granted final and binding powers to issue an Award on this case based on the criteria outlined by the parties in Section 8 of the agreement creating SBA 1112, and in accordance with Section 3 of the Railway Labor Act.

Discussion & Findings

This is a companion case to Case No. 95 before this Board. The fact pattern found in this case is the same as that of Case No. 95. The ruling, and rationale supporting that ruling by the Board, issued in Case No. 95, applies and is incorporated here by reference.

Award

The claim is sustained. The Claimant shall be made whole for all loss of wages because of the ten (10) day record suspension levied against him by the Carrier. All information related to this suspension shall be removed from the Claimant's personnel file. Implementation of this Award shall be within thirty (30) days of its date



Edward L. Suntrup, Chair &
Neutral Member

Date: 1-23-06