

## **Investigation Waiver - Level S 30 Day Record Suspension**

This Investigation Waiver letter will confirm that as a result of a conference on July 30, 2010 concerning my responsibility for failure to properly operate an automatic switch and verifying that it was lined for your intended route to enter the south siding switch Stockton while working as a crew member on the Y STK2821 12A on July 12, 2010 resulting in a derailment with track damage, I have been assessed a **Level S 30 Day Record Suspension**. In addition, I am being assessed a **One (1) Year Review Period** that commences on July 30, 2010. Any rules violation during this review period could result in further disciplinary action. The waiver must be signed as soon as possible but no later than 48 hours prior to the time of the scheduled investigation unless otherwise agreed to. If not, then CARRIER reserves the right to proceed with the investigation as scheduled. If necessary, CARRIER may also seek postponement of the investigation to a later date, in the manner and to the extent provided by any applicable agreement.

By signing below:

I admit responsibility for violating GCOR 8.19 Automatic Switches, GCOR 8.2 Position of Switches and GCOR 7.1 Switching Safely and Efficiently.

I acknowledge and agree that the level of discipline assessed is acceptable. I understand that, in determining the level of discipline, BNSF considered my service record. **I voluntarily waive my right to a formal investigation.**

**I also voluntarily waive any right to appeal or otherwise challenge or nullify this discipline under any collective bargaining agreement.**

I understand that a copy of this Investigation Waiver will be placed in my personnel record.