

Investigation Waiver - Level S Combined Suspension

This Investigation Waiver letter will confirm that as a result of a conference on August 18, 2006 concerning my responsibility for running through the 1901 switch at Sealy Yard and reversing movement without lining for your intended route resulting in a derailment and track damage while working as a crew member on the L GAT19101 14A on July 14, 2006, I have been assessed a Level S Combined Suspension. This combined suspension will be served as **15 days Actual Suspension** as follows: August 25, 2006 through September 8, 2006, and 15 days Record Suspension. In addition, I am being assessed a **One (1) Year Review Period** that commences on July 14, 2006. 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 8.2 Position of Switches, GCOR 8.9.2 Trailing Through and Stopping on a Spring Switch, GCOR 7.1 Switching Safely and Efficiently and GCOR 6.5 Shoving Movements. 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.

