

Case No. 400
Award No. 400
BNSF FILE No. 14-22-0130
BMWED FILE No. 2415-SL13A1-2216

Public Law Board No. 7048

PARTIES) **Brotherhood of Maintenance of Way Employees Division**
) **ATSFF System Federation**
TO)
) **and**
DISPUTE:)
)
) **BNSF Railway Company**

Members of the Board:

Jeanne M. Vonhof, Chairman and Neutral Member
Michelle McBride, Carrier Member
Jeffery Fry, Employee Member

Statement of Claim:

This letter is our appeal to you concerning the Standard 10 Day Record Suspension issued to Ronnie Moorhead (1653344) on May 25th, 2022, by Josh LeMar, BNSF Signal Supervisor. The company states that Mr. Moorhead was in violation of MWOR 1.15 Duty-Reporting or Absence as cited in Carrier File Number SWE-MOW-2022-00130.

Findings of the Board:

Public Law Board No. 7048, upon the whole record and all the evidence, finds and holds that Employee and Carrier are employee and carrier within the meaning of the Railway Labor Act, as amended; and that the Board has jurisdiction over the dispute herein; and that the parties to the dispute have participated in accordance to the Agreement that established the Board. The Board shall not have jurisdiction of disputes growing out of requests for changes in rates of pay, rules, or working conditions, nor have authority to change existing agreements or to establish new rules.

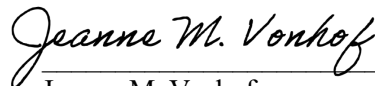
The Board shall have jurisdiction over the disputes assigned to this Board and such other disputes as may be added during the life of the Board by mutual assent of the parties.

The Claimant was notified of an investigation scheduled for the purpose of ascertaining the facts and determining his responsibility, if any, in connection with his alleged failure to report at designated time and place for work on March 28, 2022 on the Clovis Subdivision. The notice alleged that the Claimant called in after the start time of his position on that date. After the investigation the Carrier determined that the Claimant had violated MWOR 1.15 Duty – Reporting or Absence. Claimant was assessed a Standard 10-Day Record Suspension with a One (1) Year Review Period beginning on May 25, 2022.

The Board has denied BMWED Claim No. 2415-SL13A1-2215, BNSF No. SWE-MOW-2022-00129 for the same Claimant (PLB 7048 Case No. 401, Award No. 401). In that case the Carrier had issued a Dismissal for the Claimant failing to report for duty at the designated time and place on March 24 and 25, 2022. The Claimant was issued the 10 Day Suspension challenged in this Claim (Case No. 400) for his conduct on March 28, 2022. He was issued the Dismissal and this Suspension on the same date, May 25, 2022. As the incident in this case occurred after the incident in Case No. 401, and the Board denied the Claim over the Dismissal for that date, the instant Claim before the Board is moot and must be dismissed.

AWARD

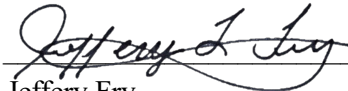
Claim dismissed.



Jeanne M. Vonhof
Neutral Member and Chairperson



Michelle McBride
Carrier Member



Jeffery Fry
Employee Member

Award Date: **January 8, 2025**