

BEFORE PUBLIC LAW BOARD NO. 7602

CASE NO. 103

**BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYES DIVISION**

vs.

BNSF RAILWAY COMPANY

NMB Case No. 103

Award No. 103

Organization No. C-21-D070-18

Carrier No. 10-21-0242

STATEMENT OF CLAIM

The organization objects to BNSF's decision to dismiss Claimant Casey Clifton for being in violation of Maintenance of Way Safety Rule (MWSR) S-28.14 – Duty-Reporting or Absence and Maintenance of Way Operating Rule (MWOR) 1.15 – Duty-Reporting or Absence when he failed to report for work absent without proper authority (AWOL) on September 7, 2021 and continuing forward following his reinstatement from two previous dismissals. As a result, the Organization requests Claimant be immediately reinstated “with seniority unimpaired and for all lost wages, including but not limited to all straight time hours, overtime hours, paid and non-paid allowances and safety incentives, expenses, per diems, vacation, sick time, health & welfare and dental insurance, and any and all other benefits to which entitled, but lost as a result of Carrier’s arbitrary, capricious, and excessive discipline in dismissing claimant from service.”

FINDINGS AND OPINION

The Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that this Board is duly constituted by agreement of the parties’ PLB Agreement and that the Board has jurisdiction over the dispute.

In reaching its decision, the Board has considered all the testimony, documentary evidence and arguments of the parties, whether specifically addressed herein or not. A careful review of the record convinces the Board that there is substantial evidence in the record to uphold the Carrier’s determination regarding Claimant Casey Clifton. The discipline assessed by the Carrier was neither arbitrary, excessive nor harsh under the facts and circumstances of this record and will therefore not be disturbed by this Board.

AWARD

Claim denied.



Jeanne Charles
Chairman and Neutral Member



Carrier Member

Dated: October 26, 2023



Labor Member

Dated: October 26, 2023