

BEFORE PUBLIC LAW BOARD NO. 7602

CASE NO. 104

**BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYEES DIVISION**

vs.

BNSF RAILWAY COMPANY

NMB Case No. 104

Award No. 104

Organization No. T-D-6867-S

Carrier No. 11-21-0520

STATEMENT OF CLAIM

The organization objects to BNSF's decision to dismiss Claimant Dianne Stoudemire for being in violation of Maintenance of Way Operating Rule (MWOR) 1.6.2—Notification of Felony Conviction, Employee Safety Rule (ESR) 28.6.2—Notification of Felony Convictions, and Maintenance Safety Rule (MSR) 1.2.8—Reporting or conduct leading to felony convictions and failure to report the convictions to the Carrier within 48-hours. The Organization alleges that the Carrier violated Rule 40 stating that Claimant was not given a fair and impartial investigation and that the Carrier had been aware of Claimant's impending charges beforehand. As a result, the Organization requests Claimant be reinstated to service and made whole for all financial losses incurred as settlement of this claim.


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 Dianne Stoudemire. 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.



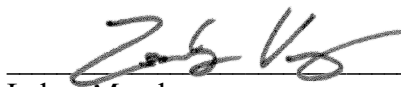
Jeanne Charles

Chairman and Neutral Member



Carrier Member

Dated: October 26, 2023



Labor Member

Dated: October 26, 2023