

**BEFORE PUBLIC LAW BOARD NO. 7602**

**CASE NO. 105**

**BROTHERHOOD OF MAINTENANCE  
OF WAY EMPLOYES DIVISION**

**vs.**

**BNSF RAILWAY COMPANY**

**NMB Case No. 105**

**Award No. 105**

**Organization No. B-M-3548-S**

**Carrier Nos. 11-21-0496,  
11-21-0497**

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**STATEMENT OF CLAIM**

The Organization objects to BNSF's decision to issue Claimants Ronald Harback and John Hobbs a Level S 30-Day Record Suspension with one (1) year review period for violating Maintenance of Way Operating Rule 1.6 – Conduct, and BNSF's Corporate Policy Equal Employment Opportunity, Anti-Discrimination and Harassment. As a result, the Organization requests Claimants' discipline be removed in accordance with Rule 40 of the BN Agreement.

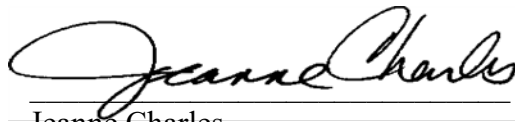
**FINDINGS AND OPINION**

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 not substantial evidence in the record to uphold the Carrier's determination regarding Claimants Ronald Harback and John Hobbs. The discipline assessed by the Carrier was arbitrary and capricious and is hereby overturned.

**AWARD**

Claim sustained in accordance with the findings above.



Jeanne Charles

Chairman and Neutral Member

*Zack Hutto*

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Carrier Member

Dated: October 26, 2023

*Zack Hutto*

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Labor Member

Dated: October 26, 2023