

BEFORE PUBLIC LAW BOARD NO. 7602

CASE NO. 107

**BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYES DIVISION**

vs.

BNSF RAILWAY COMPANY

**NMB Case No. 107
Award No. 107
Organization No. C-22-D070-1
Carrier No. 10-22-0171**

STATEMENT OF CLAIM

The organization objects to BNSF's decision to dismiss Claimant Brian Buchman ("Claimant") for being in violation of 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 12, 2022 and continuing forward. The Organization contends that Claimant was not given a fair and impartial hearing because Claimant was not present at the investigation. As a result, the Organization requests Claimant be immediately reinstated in accordance with Rule 40. The Organization also contends that the discipline issued was excessive and arbitrary.

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. The discipline assessed by the Carrier was neither arbitrary, excessive nor harsh under the facts and circumstances. Additionally, there was no violation of Rule 40. Therefore, the decision of the Carrier will not be disturbed by this Board.

AWARD

Claim denied.



Jeanne Charles
Chairman and Neutral Member



Carrier Member

3/3/2025

Dated



Labor Member

3-3-25

Dated