

**PUBLIC LAW BOARD NO. 7602**

**BROTHERHOOD OF MAINTENANCE  
OF WAY EMPLOYES DIVISION**

**vs.**

**BNSF RAILWAY COMPANY**

**NMB Case No. 109**

**Award No. 109**

**Organization No. C-23-D040-2**

**Carrier No. 10-23-0020**

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**STATEMENT OF CLAIM**

The Organization requests the Level S 30-Day Record Suspension with a three-year review period issued to Mr. R. Arseneau be removed as it is excessive and that it be removed from his records in accordance with Rule 40 of the current agreement. Additionally, Mr. Arseneau be paid all days lost due to this violation and those days credited to his retirement.

**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 of this record and will therefore not be disturbed by this Board.

**AWARD**

Claim denied.



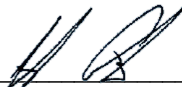
Jeanne Charles

Chairman and Neutral Member

*Zach Hutto*

Carrier Member

November 13, 2024



Labor Member

November 13, 2024