

BEFORE PUBLIC LAW BOARD NO. 7602

CASE NO. 113

**BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYES DIVISION**

vs.

BNSF RAILWAY COMPANY

NMB Case No. 113

Award No. 113

Organization No. B-M-3808-Z

Carrier No. 11-23-0179

STATEMENT OF CLAIM

The Organization objects to BNSF's decision dated November 9, 2022, to impose a Level S Combined Suspension with a 3-year review period on Claimant John Hobbs ("Claimant") for violating the terms of the anti-retaliation letter that you received from BNSF Railway on April 1, 2021, when he sent emails regarding jobs to roadmaster, Brandon Comstock on Tuesday, August 30, 2022. BNSF concluded that the conduct violated Maintenance of Way Safety Rule (MWOR) 1.6 (Conduct). The Organization contends that Claimant was not given a fair and impartial hearing, and the Carrier failed to meet its burden of proving the violation. As a result, the Organization requests Claimant be immediately reinstated in accordance with Rule 40.

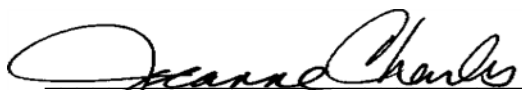
FINDINGS AND OPINION

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. 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