

BEFORE PUBLIC LAW BOARD NO. 7602

CASE NO. 114

**BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYEES DIVISION**

vs.

BNSF RAILWAY COMPANY

**NMB Case No. 114
Award No. 114
Organization No. C-23-D070-3
Carrier No. 14-23-0237**

STATEMENT OF CLAIM

Consider this an appeal in accordance with Rule 42, on behalf of employee, William Flanagan, Employee Number 3167178 for reinstatement to service with seniority impaired and for all lost wages, including but not limited to all straight time hours, overtime hours, paid and non-paid allowances and safety incentives, expenses, per diems, vacation, sick time, health & welfare and dental insurance, and any and all other benefits to which entitled, but lost as a result of Carrier's arbitrary, capricious, and excessive discipline in dismissing claimant from service.

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 William Flanagan. 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

Jeanne Charles
Chairman and Neutral Member

Zach Hutto

Carrier Member

Dated: 12/12/2025

Daryl M. Pasquella

Labor Member

Dated: 12/12/25