

BEFORE PUBLIC LAW BOARD NO. 7602

CASE NO. 117

**BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYEES DIVISION**

vs.

BNSF RAILWAY COMPANY

NMB Case No. 117

Award No. 117

Organization No. C-23-D070-8

Carrier No. 10-23-0253

STATEMENT OF CLAIM

The Organization objects to BNSF's decision to dismiss Claimant Anthony E. Troxel for using an electronic device while driving BNSF company vehicle 29458 while on his way to work on June 27, 2023, in violation of Maintenance of Way Rule (MSR) 1.7 — Electronic Devices, MSR 12.1 — Operation of Motor Vehicles, Employee Safety Rule (ESR) 12.15.4 — When Traveling and the Corporate Vehicle Company Policy (VPR).

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 evidence establishes that Claimant committed a serious safety offense. This was his third serious violation within the review period. Accordingly, 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.



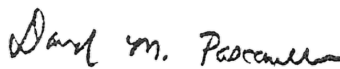
Jeanne Charles

Chairman and Neutral Member



Carrier Member

Dated: 10/2/2025



Labor Member

Dated: 10/2/25