

BEFORE PUBLIC LAW BOARD NO. 7602

CASE NO. 119

**BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYES DIVISION**

vs.

**NMB Case No. 119
Award No. 119
Organization No. C-23-D040-1
Carrier No. 10-24-0016**

BNSF RAILWAY COMPANY

STATEMENT OF CLAIM

The Organization objects to BNSF's decision to issue a Level S Record Suspension and a One Year Review Period to Claimant Brandon G. L'Heureux for violation of Maintenance of Way Operating Rule (MWOR) 1.15 — Duty Reporting and Absence. Claimant failed to report for duty at the designated time and location on Wednesday, August 30, 2023, while assigned as a 1st Class Carpenter on the Heartland Division. Further, the Claimant failed to notify his supervisor of his absence, rendering him Absent Without Leave (AWOL) on the date of the violation. As remedy to this claim, the Organization requests that the discipline issued to the Claimant be overturned and that Claimant's personal record be cleared of the discipline or any mention of the investigation.

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. There is substantial evidence that Claimant failed to report for duty at the designated time and location on Wednesday, August 30, 2023, while assigned as a 1st Class Carpenter on the Heartland Division, and failed to notify his supervisor of his absence, rendering him Absent Without Leave (AWOL) on the date of the violation in violation of Maintenance of Way Operating Rule (MWOR) 1.15 — Duty Reporting and Absence. The discipline was appropriate because it was a serious violation under the Carrier's rules. 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

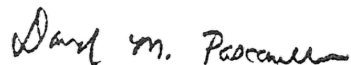
Claim denied.



Jeanne Charles
Chairman and Neutral Member



Carrier Member
Dated: 10/2/2025



Labor Member
Dated: 10/2/25