

BEFORE PUBLIC LAW BOARD NO. 7602

CASE NO. 120

**BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYES DIVISION**

vs.

BNSF RAILWAY COMPANY

NMB Case No. 120

Award No. 120

Organization No. C-24-D070-1

Carrier No. 10-24-0019

STATEMENT OF CLAIM

The Organization alleges that the Carrier violated the Agreement when Claimant Brandon G. L'Heureux was dismissed as a result of a formal investigation held on October 24, 2023, when he was found to be in violation of Maintenance of Way Operating Rule (MWOR) 1.12 for possession of a firearm while on BNSF property at approximately 0830 hours on Monday, October 16, 2023 at or near MP 54.0, Havelock B&B Office, while working as a 1st Class Carpenter on the Heartland Division. The Organization alleges that the Carrier violated Rule 40 stating that Claimant was not given a fair and impartial investigation as well as alleging that the Carrier did not meet its burden of proof substantiating any evidence showing Claimant was in violation of MWOR 1.12. As a result, the Organization requests Claimant's discipline be overturned and his personal record be cleared of this discipline and any mention of this investigation, as settlement of this claim.

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. Claimant violated MWOR 1.12 when he reported to work on October 16, 2023, with two firearms in his possession while under a review period. 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

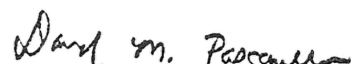
Claim denied.



Jeanne Charles
Chairman and Neutral Member



Carrier Member
Dated: 10/2/2025



Labor Member
Dated: 10/2/25