

BEFORE PUBLIC LAW BOARD NO. 7602

CASE NO. 122

**BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYEES DIVISION**

vs.

BNSF RAILWAY COMPANY

**NMB Case No. 122
Award No. 122
Organization No. C-23-D040-5
Carrier No. 10-23-0204**

STATEMENT OF CLAIM

The Organization objects to BNSF's decision to reprimand Claimant Kristopher Ames for his failure to inspect track after a train reported a concern near MP 268.8 on April 27, 2023, while assigned to the Ferryville Section Foreman, in violation of Engineering Instruction (EI) 2.8.9 – Irregular Track and Bridge Conditions Reported by Trains.

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 not substantial evidence in the record to uphold the Carrier's determination regarding Claimant Kristopher Ames. The discipline assessed by the Carrier was arbitrary under the facts and circumstances of this record and, therefore, must be overturned. The formal reprimand shall be removed from Claimant's personal record.

AWARD

Claim sustained. The Carrier is to comply with the award on or before thirty (30) days following the date the award is adopted.

Jeanne Charles

Jeanne Charles
Chairman and Neutral Member

Zach Hutto

Carrier Member
Dated: 12/12/2025

Daryl M. Paccione

Labor Member
Dated: 12/12/25