

BEFORE PUBLIC LAW BOARD NO. 7602

CASE NO. 125

**BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYEES DIVISION**

vs.

BNSF RAILWAY COMPANY

**NMB Case No. 125
Award No. 125
Organization No. T-D-7608-J
Carrier No. 11-24-0094**

STATEMENT OF CLAIM

The Organization objects to BNSF's decision to issue Claimant Kevin Janssen a Level S 30 Day Record Suspension for using an electronic device while operating BNSF company vehicle 23896, in violation of Maintenance of Way Safety Rule (MSR) 1.7 – Electronic Devices. As a result, the Organization requests the suspension shall be set aside and the Claimant shall be made whole for all financial and benefit losses as a result of the violation.

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 Kevin Hanssen. 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: 3/2/2026

Daryl M. Passarella

Labor Member
Dated: 3/3/2026