

**BEFORE PUBLIC LAW BOARD NO. 7602
CASE NO. 128**

**BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYES DIVISION**

vs.

BNSF RAILWAY COMPANY

**NMB Case No. 128
Award No. 128
Organization No. C-24-D040-4
Carrier No. 10-24-0121**

STATEMENT OF CLAIM

The Organization objects to BNSF's decision to issue Christopher Oliver (Claimant) a Level S 30 Day Record Suspension with a three (3) year review period and his foreman rights suspended for a period of 6 months resulting from a formal investigation held on April 9, 2024, for failure to remain alert and attentive when the MPM he was piloting ran through a switch causing damage to the switch at approximately 1045 hours on Wednesday, February 28, 2024 while working at or near LS15, MP 201.54. As a result, the Organization requests Claimant be made whole for all financial losses incurred.

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 Christopher Oliver since the violation was proven and it was his second serious violation during an active 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

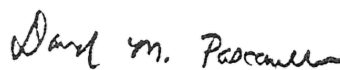
Claim denied.



Jeanne Charles
Chairman and Neutral Member



Carrier Member
Dated: 3/2/2026



Labor Member
Dated: 3/3/2026