

**BEFORE PUBLIC LAW BOARD NO. 7602
CASE NO. 96**

**BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYEES DIVISION**

vs.

BNSF RAILWAY COMPANY

**NMB Case No. 119
Award No. 96
Organization No. C-20-D070-01
Carrier No. 10-20-0009**

STATEMENT OF CLAIM

The Organization objects to BNSF's decision to dismiss Claimant for his falsification of an FRA Track Inspection record showing that he inspected the track between MP 66.17 and 78.5 on the Ravenna Subdivision on July 31, 2019, in violation of Maintenance of Way Operating Rule (MROR) 1.6—Conduct, Engineering Instruction (EI) 2.3—Inspecting Track, and EI G.3.2—Employees Inspecting Track.

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 T. Morris. The Board finds the Carrier did not establish that Claimant had the requisite intent to prove falsification. Therefore, no discipline was warranted.

AWARD

Claim sustained. This Board directs that Claimant be restored to service with backpay for all time lost, less outside earnings, and with seniority unimpaired. The Carrier is further directed to remove the charge from Claimant's record.



Jeanne Charles

Chairman and Neutral Member



Carrier Member
Dated:



Labor Member
Dated: November 17, 2021