

BEFORE PUBLIC LAW BOARD NO. 7602

CASE NO. 99

**BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYEES DIVISION**

vs.

BNSF RAILWAY COMPANY

NMB Case No. 106

Award No. 99

Organization No. C-20-D040-3

Carrier No. 10-20-0048

STATEMENT OF CLAIM

The Organization objects to BNSF's decision to issue Claimant a Standard 20-Day Record Suspension for his failure to report for duty at the designated time and place on August 9, 2019, while assigned as an Assistant Foreman working on gang TTPX0002 (TP02) at/or near Loveland, CO, in violation of Maintenance of Way Operating Rule (MWOR) 1.15—Duty- Report or Absence.

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.

There is substantial evidence in the record to uphold the Carrier's determination regarding Claimant L. Garbiso. However, in light of the extenuating circumstances surrounding Claimant's failure to document his planned absence in the Foreman's logbook, the 20-day record suspension shall be reduced to a 10-day record suspension.

AWARD

Claim sustained, in part.



Jeanne Charles

Chairman and Neutral Member



Carrier Member

Dated:



Labor Member

Dated: November 17, 2021