

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 42278
Docket No. MW-42558
16-3-NRAB-00003-140228

The Third Division consisted of the regular members and in addition Referee Louis V. Imundo, Jr. when award was rendered.

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way Employees Division -
(IBT Rail Conference
(BNSF Railway Company

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The Agreement was violated when Sectionman M. Boggs was withheld from service on August 10, 11, 12 and 15, 2011 without just cause (System File C-11-P018-26/10-11-0690 BNR).
- (2) As a consequence of the violation referred to in Part (1) above, Claimant M. Boggs shall be allowed ‘ . . . eight (8) hours on each of his regular assigned work days that he was withheld from service, August 10, 11, 12 and 15, 2011 for a total of thirty-two (32) straight time hours as well as any and all overtime hours that may have been worked by his gang TP-34 while he was withheld from duty.
***”

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The Carrier had good and sufficient reason to withhold the Claimant from service on the relevant dates. When it was appropriate to do so, the Claimant was returned to work in a timely manner. In view of the foregoing, the claim lacks merit and is denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 21st day of April 2016.