

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 43084
Docket No. MW-43719
18-3-NRAB-00003-160479**

The Third Division consisted of the regular members and in addition Referee Barry E. Simon when award was rendered.

**(Brotherhood of Maintenance of Way Employees Division -
PARTIES TO DISPUTE: (IBT Rail Conference
(
(CSX Transportation, Inc.**

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The Carrier’s discipline [determination of guilt and Informal Coaching Incident (ICI) placed in personal record] imposed on Mr. J. Trisch by letter dated August 26, 2015 for alleged violation of CSX Operating Rules 103.7, 104.3 and 105.1 was unwarranted, without just cause and in violation of the Agreement (System File TrischDA.115/2015-194199 CSX).**
- (2) The Agreement was further violated when the Carrier issued a denial of appeal, dated October 1, 2015, without first convening a hearing on appeal as required by Rule 25.**
- (3) As a consequence of the violations referred to in Parts (1) and/or (2) above, Claimant J. Trisch shall now be exonerated of all charges brought against him.”**

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 Board has been advised that the dispute herein has been settled by the parties on the property. As there is no longer a matter in controversy, the claim must be dismissed.

AWARD

Claim dismissed.

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 2nd day of May 2018.