

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 43091  
Docket No. MW-43766  
18-3-NRAB-00003-160558**

**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 Agreement was violated when the Carrier assigned junior employees J. Morrow and P. Reed to perform overtime service and remove snow from the track structures and right of way in the Skillman Yard on the Louisville Division on March 6, 2015 and failed to offer Claimants J. Nash and T. Stone any preference for such work (System File I56604615/2015-184213 CSX).**
- (2) As a consequence of the violation referred to in Part (1) above, the Carrier shall compensate Claimants J. Nash and T. Stone eighteen (18) hours, divided equally, at their respective overtime rates of pay.”**

**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.

On March 6, 2015, according to the Organization, the Carrier used maintenance of way employees to remove snow from track structures and right of way in Skillman Yard. It says this service was performed on an overtime basis. The Organization argues that the Claimants should have been called for this service, asserting they were senior to the employees who performed the work. The Organization, during the handling of the claim on the property, did not identify the employees whom they allege were improperly assigned. Accordingly, we are unable to find, from the record before us, that the Claimants should have been called for this work.

**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 2nd day of May 2018.