

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 43126
Docket No. MW-43248
18-3-NRAB-00003-150432**

The Third Division consisted of the regular members and in addition Referee Amedeo Greco when award was rendered.

**(Brotherhood of Maintenance of Way Employees Division
(IBT Rail Conference**

PARTIES TO DISPUTE: (
(CSX Transportation, Inc.

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The Agreement was violated when on December 28, 29, 30 and 31, 2013 and January 4, 5, 6 and 7, 2014 the Carrier assigned outside forces to perform Maintenance of Way work (plowing snow and spreading salt) at various locations along the right of way and on roads and walkways at Mile Post BE 3.5 in Cincinnati, Ohio on the Louisville Division (System File I61700514/2014-159292 CSX).**
- (2) The Agreement was violated when on January 16, 17, 22, 24 and 25, 2014 the Carrier assigned outside forces to perform Maintenance of Way work (plowing snow and spreading salt) at various locations along the right of way and on roads and walkways between Mileposts BE 3.5 and BE1.5 in Cincinnati, Ohio on the Louisville Division (System File I61702114/2014-161293 CSX).**
- (3) As a consequence of the violation referred to in Part (1) above, Claimants S. Hoover, J. Fightmaster, A. Alexander and T. Brown shall each ‘... now be paid an equal share of two hundred and eighty six (286) hours (including overtime), at their respective straight and overtime rates of pay.’**
- (4) As a consequence of the violation referred to in Part (2) above, Claimants S. Hoover, J. Fightmaster, A. Alexander and T. Brown shall each ‘...now be paid an equal share of three hundred and fifty**

two (352) hours (including overtime), at their respective straight and 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.

The parties have settled the case on property.

There no longer is a matter in dispute and the Claim is 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 30th day of May 2018.