

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 43128
Docket No. MW-43302
18-3-NRAB-00003-150383**

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 beginning on December 18, 2013 to and including January 13, 2014, the Carrier assigned outside forces ‘... to perform clearing, ditching, install H-piling, whalers, sewing grass, installing wood blocking in h-pile wall, at milepost CMG 24.99, on the Appalachian Division.’ (System File G29701214/2014-159567 CSX).**
- (2) As a consequence of the violation referred to in Part (1) above, Claimants A. Bowling, S. Neace, J. Holbrook, H. Lowe, C. Williams, J. Samons, R. Thompson and L. Cyrus ‘... shall now be paid an equal share of seven hundred and thirty (730) hours straight time and two hundred and ninety five (295) hours 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 these cases 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.