

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 43138
Docket No. MW-43323
18-3-NRAB-00003-150539**

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 February 24, 25, 26, 27 and 28, 2014 the Carrier assigned outside forces (Hulcher) to perform Maintenance of Way work (backfill a headwall, unload rip rap rock and clean brush from under a bridge) at Mile Post C 1.5 on the Florence Division (System File B15904514/2014-164108 CSX).**
- (2) As a consequence of the violation referred to in Part (1) above, Claimants J. Pearson and J. Allen shall ‘... be compensated Forty (40) Hours Straight Time and Ten (10) Hours Overtime, at his (sic) respective rate of pay, and all time be credited to vacation and retirement, account of the carrier’s violation of the rules of the working agreement and this obvious loss of work opportunity.’”**

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.