

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 43140
Docket No. MW-43434
18-3-NRAB-00003-160072**

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 the Carrier assigned outside forces to perform Maintenance of Way work (crossing watchman work) at the grade crossing at Mile Post BE 181.66 in Tontogany, Ohio on February 19, 20, 21 and 22, 2014 and at the grade crossing at Mile Post BE 181.75 in Tontogany, Ohio on February 19, 20 and 21, 2014 (System File I53601314/20154-163798 (CSX).**
- (2) The Agreement was further violated when the Carrier failed to notify the General Chairman, in writing, as far in advance of the date of the above-referenced contracting transaction as was practicable and in any event not less than fifteen (15) days prior thereto or make a good-faith effort to reduce the incidence of subcontracting and increase the use of its Maintenance of Way forces as required by the Scope Rule and the December 11, 1981 National Letter of Agreement.**
- (3) The claim* referenced in Part (1) above, as conference with the Carrier’s designated representative, shall be allowed as presented because said claim was not disallowed by the Carrier’s highest designated Labor Relations Officer in accordance with Rule 24(b).**
- (4) As a consequence of the violations referred to in Parts (1), (2) and/or (3) above, Claimants S. Wagner, M. Benton, R. Schumacher, S. Hermiller, B. Sieter, B. Yahl, A. Benton, J. Zupan, G. Ruen, J.**

Vargo, C. Roberts and K. Duling shall now ‘... be paid one hundred and sixty-eight (168) hours, divided equally amongst the Claimants at their respective straight time, overtime, and double time rates of pay. ***’

*The initial letter of claim will be reproduced within our initial submission.”

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.

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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.