

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 43141
Docket No. MW-43435
18-3-NRAB-00003-160073**

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 or otherwise allowed outside forces to perform Maintenance of Way work (asphalting road crossing) at Mile Post CH 34.9 on the Detroit Seniority District, Chicago Division on February 15, 2014 (System File H46403814/2014-165787 CSX).**
- (2) The claim* referenced in Part (1) above, as conferenced 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).**
- (3) As a consequence of the violations referred to in Parts (1) and/or (2) above, Claimants J. Johnson, T. Townsend, E. Vert and S. McKinley shall now ‘... be compensated for fifty (50) hours of overtime at their respective rates of pay, divided equally among the Claimants. ***’**

***The initial letter of claim will be reproduced without 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.

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.