

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 43502
Docket No. MW-43455
19-3-NRAB-00003-160185**

The Third Division consisted of the regular members and in addition Referee Gerald E. Wallin 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 September 9, 2014 through September 18, 2014, the Carrier assigned an outside contractor (Loran) to perform Maintenance of Way work (fire control) behind and in support of rail grinding operations from Mile Post Z 0.5 to Mile Post Z 277.2 on the KP and BR Subdivisions (Carrier’s File 2014-178359 CSX).**
- (2) As a consequence of the violation referred to in Part (1) above, referred to in Part (1) above, Claimant J. Simmons shall now ‘... be compensated for 99 hours paid to him at his applicable straight and overtime rates of pay, as utilized by the contractor. ***’”**

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.

After review of the submissions, the Board finds no issues remain in this dispute that require resolution by the Board.

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 1st day of March 2019.