

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 43504
Docket No. MW-43535
19-3-NRAB-00003-160306**

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 on September 6, 7, and 8, 2014, the Carrier assigned outside forces (CWI contractors) to perform Maintenance of Way work (installing yard airlines and a new air compressor unit) in the vicinity of Mile Post CH 23.9 in the Plymouth East Yard on the Chicago Division of the Detroit Seniority District without notifying the General Chairman in advance of its intention to do so (System File H46412514/2014-176446 CSX).**
- (2) As a consequence of the violation referred to in Part (1) above, Claimants D. Young, Jr., B. Gibbons, and D. Robinson ‘... shall now be compensated for ninety (90) hours, at each of their respective rates of pay, divided equally among the Claimants. Also, that all time be credited towards vacation and retirement. ***’”**

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.