

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 43505
Docket No. MW-43536
19-3-NRAB-00003-160307**

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 March 5, 2014, the Carrier called and assigned Welding Department employees R. Lawhorn and P. Deeds to perform overtime Track Department work (i.e., rail and insulated joint replacement) near Mile Post CAB 195.3 on the Clifton Forge Seniority District and failed to assign such work to Claimants A. McKemy and C. Stalnaker (G31809714/2014-166341 CSX).**
- (2) The claim* as presented by Vice Chairman R. D. Griffith on April 23, 2014 to Division Engineer L. Wharton shall be allowed presented because said claim was not disallowed by Director Labor Relations R. Miller in accordance with Rule 24(b).**
- (3) As a consequence of the violations referred to in Parts (1) and/or (2) above, Claimants A. McKemy and C. Stalnaker shall each be compensated four and one-half (4.5) hours at their respective overtime 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.

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.