

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 43507
Docket No. MW-43565
19-3-NRAB-00003-160326**

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 on July 18, 19, 20, and 21, 2014, when the Carrier assigned an outside forces (Charles Downey) to perform Maintenance of Way work (walkway and platform maintenance, repair and related work) in the vicinity of Mile Post CA 278.5 near Clifton Forge, Virginia on the C&O Division of the Clifton Forge Seniority District without notifying the General Chairman in advance of its intention to do so (System File G31810814/2014-173711 CSX).**
- (2) As a consequence of the violation referred to in Part (1) above, Claimants J. Harlow, T. Nicely, W. Byer and I. Meadows shall now each be compensated at their respective and applicable rates of pay for an equal and proportionate share of the total man-hours expended by the outside forces in the performance of the aforesaid work on July 18, 19, 20, and 21, 2014.”**

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.