

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 43510  
Docket No. MW-43606  
19-3-NRAB-00003-160370**

**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 June 30, 2014 and continuing, the Carrier assigned an outside forces (Milton J. Wood Company) to perform Bridge and Building (B&B) Subdepartment work (build up containment walls around the service center fuel tanks and related work) at the Tilford Service Center in Atlanta, Georgia on the Atlanta Division (System File B09708614/2014-173873 CSX).**
- (2) As a consequence of the violation referred to in Part (1) above, Claimants D. Morgan, Z. Lewis, L. Nation, G. Hill, D. Mallory, C. McClellan, M. Watkins and S. Mathis shall now each ‘... be paid and (sic) equal share of the total man-hours made by the contractor (including overtime), beginning on June 30, 2104, and continuing until the violation stops, at their respective straight and overtime rates of pay.’”**

**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.