

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 43949
Docket No. MW-45536
20-3-NRAB-00003-190447**

The Third Division consisted of the regular members and in addition Referee Meeta A. Bass 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 Carrier’s discipline [thirty (30) day actual suspension] of Mr. S. Thompson by letter dated November 22, 2017 for violation of CSX Operating Rules 100.1 and M 081A was on the basis of unproven charges, arbitrary, excessive and in violation of the Agreement (System File D06906517/2017-229350 CSX).**
- (2) As a consequence of the violation referred to in Part (1) above, Claimant S. Thompson shall have charges and discipline removed from his personal record and paid for all time lost.”**

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.

The Carrier issued a Notice of Investigation letter dated October 5, 2017, which stated as follows

“...to determine the facts and place your responsibility, if any, in connection with an incident that occurred at approximately 1300 hours, on September 20, 2017, at or near milepost XXB 179.5, when you failed to provide proper warning devices on job site after removal of walkway grating and all circumstances related thereto...”

Following a postponement, the investigation hearing was held on November 6, 2017. Following the investigation hearing, the Claimant received a Discipline Notice dated November 22, 2017, finding a violation of CSXT Operating Rules 101.1 and M 081A and assessed a thirty (30) day actual suspension beginning November 23, 2017 and ending December 22, 2017. The Organization appealed the Carrier’s decision by letter dated November 22, 2017 seeking a stay of thirty (30) day suspension. The Carrier denied the claim. A formal conference was held on June 25, 2018 with no change in the position of the Carrier. This matter is before this Board for a final resolution of the claim. The parties settled the claim at the hearing.

AWARD

Claim dismissed.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 5th day of March 2020.