

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**THIRD DIVISION**

**Award No. 44935**  
**Docket No. MW-45759**  
**23-3-NRAB-00003-190676**

**The Third Division consisted of the regular members and in addition Referee Jacalyn J. Zimmerman 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 16, 17 and 18, 2017, the Carrier assigned outside forces, including but not limited to Polvika International and W.O. Grubb, to perform Maintenance of Way Department work (unload switch panels from semi-trucks) between Mile Posts CFP 1.5 and CFP 1.6 on the RF&P District (System File F32508517/2017-227218 CSX).**

**(2) As a consequence of the violation referred to in Part (1) above, Claimants T England, D. Winslow, T. Foster and M. Goodall shall now each share in an equal and proportionate amount of the one hundred twenty (120) hours worked by the outside forces at their respective overtime rates of pay as well as being credited for all time towards vacation and retirement benefits."**

## **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 Board is persuaded that the claimed work is covered by MOA #1, Section 6 and that the Carrier complied with the notice requirements. MOA #1 allows the Carrier to contract out the claimed work. Accordingly, the instant claim is denied.**

**AWARD**

**Claim denied.**

**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 21<sup>st</sup> day of April 2023.**