

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 45106
Docket No. MS-45624
24-3-NRAB-00003-230304**

The Third Division consisted of the regular members and in addition Referee Jeanne Charles when award was rendered.

(Mr. Frank Alexander

PARTIES TO DISPUTE: (

(CSX Transportation, Inc.

STATEMENT OF CLAIM:

“It is my desire to appeal the discipline assessed to me and to obtain a decision as quickly as possible. Therefore, I hereby elect to have said discipline submitted to Public Law Board No. 7429. I understand that a neutral member of Public Law Board No. 7529 will base his/her decision on the transcript of my hearing and my prior service record.

In accordance with the provisions of Rule 25 Section 3(a) of the CSXT/BMWE Agreement, dated June 1, 1999 the following will serve as my appeal of discipline assessed to myself (CSXT Employee F.E. Alexander ID #228919) and disagree with the unsuitable disciplined imposed and assessed, which was dismissal. I take strong exception and disagree with the discipline in this case due to the fact a hearing was held on June 27, 2018, I objected to being accused of being disrespectful, discourteous and sending threatening and intimidating text messages. CSX had not met their burden of proof.

On December 28, 2018, I was removed from service over a phone call, without Union Representation and no statement taken. This was a violation of Rule 2S(a), 2S(b) and CSXT Labor Agreement 6-075-88 and this discipline assessed in this case was unsuitable and very harsh. The rule contemplates that the accused shall have the opportunity to a hearing and the accused shall be given written confirmation, the accused was removed from service with no notice. The Carrier deprived myself of substantial and valuable rights of the Collective Agreement.

It is respectfully requested that the dismissal letter and all matter relative thereto be removed from my personal file, I be made whole for all losses suffered, including vacation and retirement, as a result of the Carrier's action. I am asking to be exonerated of these charges and restored to service."

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 hired F. E. Alexander (ID 228919) ("Claimant") on August 17, 2008. Claimant has established and held seniority within the Carrier's Maintenance of Way Department. The investigative hearing for this incident was held on June 27, 2018. Following the investigative hearing, the Carrier determined claimant violated CSX Transportation Operating Rules CSX Transportation Operating Rules Rule 104.2 and CSX Code of Ethics and, by letter dated July 13, 2018, and informed Claimant of his immediate dismissal.

The Board denied Claimant's claim for reinstatement in Case No. 230304. Therefore, this claim is moot and hereby, dismissed.

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 31st day of October 2023.