

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 45107
Docket No. MS-46347
24-3-NRAB-00003-230339**

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

**(Ms. Charisse Bell
PARTIES TO DISPUTE: (
(CSX Transportation, Inc.**

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The Carrier acted arbitrarily, capriciously, discriminatorily and in an unreasonable manner when it treated Claimant C.R. Bell (EIN #237412) unjustly when it, without any cause when the Federal FMLA Policy was unjustly and unfairly applied when deducting the Claimant's FMLA entitlements as well as the application of how and when they will be applied.**
- 2. As a result of the above stated violation, the Carrier shall now be required to treat claimant in a fair and just manner and correct the Claimant's previous FMLA markoffs by restoring her FMLA entitlements that were unjustly deducted.”**

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.

In reaching its decision, the Board has considered all the testimony, documentary evidence and arguments of the parties, whether specifically addressed herein or not. As the moving party, it is Claimant's responsibility to meet the burden to prove by a preponderance of evidence that the Carrier committed the alleged violation(s). After careful review of the record, the Board finds this matter is not properly before it. While Claimant filed a complaint with the office of Wage and Hour Division and received a favorable decision but no back pay, such relief was not requested during the on-property handling of the claim. Therefore, the claim must be 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.