

PUBLIC LAW BOARD NO. 6043

**BROTHERHOOD OF MAINTENANCE OF WAY
EMPLOYEES DIVISION - IBT RAIL CONFERENCE**

**Case No.: 445
Award No.: 445**

vs.

ILLINOIS CENTRAL RAILROAD COMPANY

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- 1. The Carrier violated the Agreement when, beginning on January 5, 2016 through January 27, 2016, it instructed Assistant Foreman G. Durbin to work an overnight shift from 12:00 AM. until 12:00 P.M. at Mile Post 892 (Spillway Bridge-North) on the McComb Subdivision, instead of assigning the senior regularly assigned incumbent, Mr. J. Sumrall, thereto [System File C 16 01 05 (019)/IC-BMWED-2016-00030 ICE].**
- 2. As a consequence of the violation referred to in Part 1 above, Claimant J. Sumrall shall now be ‘... compensated the exact time we are claiming for Employee Durbin which is one-hundred-thirty-six (136) hours at the regular rate of pay (\$30.12), nine (9) hours at the time and one half rate of pay (\$45.18), four-hundred-thirty-three (452) (sic) hours at the double-time rate of pay (\$60.24) which includes meal periods the Carrier failed to provide. This is a combined total of \$31.731.42 (sic), including any differentials, minus time already paid for these violations of the agreement.’ (Emphasis in original) (Employees’ Exhibit ‘A-1’).”**

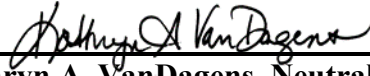
FINDINGS:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier or employee within the meaning of the Railway Labor Act as approved June 21, 1934. Public Law Board 6043 has jurisdiction over the parties and the dispute involved herein.

At a hearing before the Board, the parties jointly advised that this claim has been settled on the property and requested an Award showing it was dismissed.

AWARD

Claim dismissed.



Kathryn A. VanDagens, Neutral Member



Ross Glorioso, Organization Member



Patrick Crain, Carrier Member

Dated: August 9, 2023