

AWARD NO. 157  
Case No. 157

Organization File No. S21703012  
Carrier File No. 2012-124298

**PUBLIC LAW BOARD NO. 7163**

PARTIES     ) BROtherHOOD OF MAINTENANCE OF WAY EMPLOYES DIVISION,  
              ) INTERNATIONAL BROtherHOOD OF TEAMSTERS  
TO            )  
              )  
DISPUTE     ) CSX TRANSPORTATION, INC.

STATEMENT OF CLAIM:

1. The Agreement was violated when the Carrier assigned junior employe K. Stanfill to perform overtime work beginning on March 5, 2012 and continuing without calling and assigning the work to Claimant J. Hartsfield.
2. As a consequence of the violation referred to in Part 1 above, Claimant J. Hartsfield shall now be allowed all overtime hours made by Mr. Stanfill, beginning on March 5, 2012, and continuing until the violation stops, at his respective overtime rate of pay.

FINDINGS:

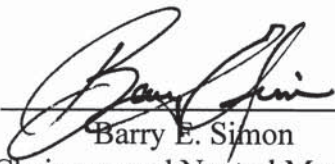

The Board, upon consideration of the entire record and all of the evidence, finds that the parties are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated March 20, 2008, this Board has jurisdiction over the dispute involved herein, and that the parties were given due notice of the hearing held.

Starting on March 5, 2012, the Carrier assigned Machine Operator K. Stanfill to operate a vehicle to transport water for the ballast regulators on Zone Surfacing Gang 5NCT. The Organization asserts Claimant, who is senior to Stanfill, should have been assigned this work at overtime.

The Carrier has denied the claim, asserting that Stanfill performed the work at straight time and there was no reason to pay Claimant overtime to perform the work.

The arguments in this case are identical to those addressed by this Board in Award No. 156. In that case, we held that the Organization had failed to demonstrate that the work was done on overtime. As we said in Award No. 156, in the absence of proof the work was performed on overtime, we cannot find that the Agreement was violated when Stanfill performed the work.

AWARD: Claim denied.

  
Barry E. Simon  
Chairman and Neutral Member  
Andrew Mulford  
Employee Member  
Rob Miller  
Carrier Member

Dated: April 2, 2015  
Arlington Heights, Illinois