

AWARD NO. 185
Case No. 185

Organization File No. S21158413
Carrier File No. 2012-139933

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 it failed to call and assign Claimant R. Tyree, who was furloughed, to perform walking rail lifter and trackman work on January 21, 22, 23 and 24, 2013 and instead assigned Foreman G. Harris and Assistant Foremen J. Morrow and N. Howard thereto.
2. As a consequence of the violation referred to in Part 1 above, Claimant R. Tyree shall now be paid forty (40) hours of straight time and three (3) hours of overtime.

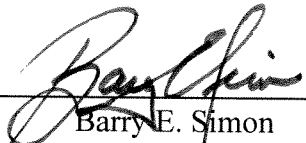
FINDINGS:

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.

The Organization claims the Carrier assigned a Foreman and two Assistant Foremen to perform walking rail lifter and trackman work on the dates of claim without first offering such work to Claimant. This, says the Organization, was a violation of Claimant's seniority rights. In progressing its claim on the property, however, the Organization has failed to establish a factual record to

support its position. We, therefore, are unable to find that the Agreement was violated and we must deny the claim.


AWARD: Claim denied.



Barry E. Simon
Chairman and Neutral Member



Andrew Mulford
Employee Member



Rob Miller
Carrier Member

Dated: January 27, 2016
Arlington Heights, Illinois