

AWARD NO. 198
Case No. 198

Organization File No. I59704613
Carrier File No. 2013-144086

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, beginning on March 15, 2013 and continuing, the Carrier assigned junior employees K. O'Neil and G. Fults to flag and perform track inspection duties between Mile Posts J94.2 and WA132.0 on the Nashville Division and failed to offer such to Claimant J. Parker.
2. As a consequence of the violation referred to in Part 1 above, Claimant J. Parker shall be compensated for all straight time and overtime made by junior employees O'Neal and Fults during the claimed period.

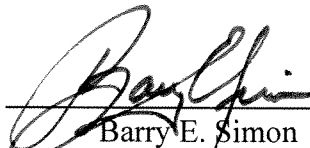
FINDINGS:

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 filed the instant claim, asserting that employees junior to Claimant, beginning on March 15, 2013, inspected track and did track work at various locations, and flagged for a Ballast Cleaner. The Carrier denied the claim for various reasons, but primarily asserted the claim was too vague with respect to what work was performed, and when and where it was per-

formed, to determine whether a violation of the Agreement occurred. In reviewing the record before the Board, we agree that there is insufficient specificity for us to determine what work was performed by the employees, where it was performed, and when it was performed. Accordingly, we are unable to find that there was a violation of the Agreement.


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