

AWARD NO. 213

Case No. 213

Organization File No. B16159613

Carrier File No. 2013-140863

**PUBLIC LAW BOARD NO. 7163**

PARTIES ) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION,  
TO ) INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
DISPUTE ) CSX TRANSPORTATION, INC.

**STATEMENT OF CLAIM:**

1. The Agreement was violated when, on February 8, 2013, the Carrier assigned junior employees M. Self, R. Walker, J. Fitzgibbons and S. Yates to perform overtime work and install a crossing near Mile Post SX 988.6 on the Jacksonville Seniority District.
2. The claim as presented by Vice Chairman N. Trawick on February 27, 2013 to Division Engineer R. Moore shall be allowed as presented because said claim was not disallowed in accordance with Rule 24(a).
3. As a consequence of the violations referred to in Parts 1 and/or 2 above, Claimants J. Canty, C. Illecas, M. Armstrong and C. Hollis shall each be compensated for twelve (12) hours of overtime at their respective rates 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.

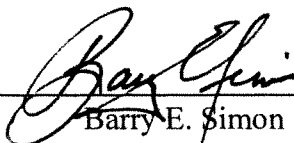
By letter dated February 27, 2013, the Organization submitted a claim alleging that the Carrier violated the Agreement by utilizing employees junior to Claimants for overtime work in

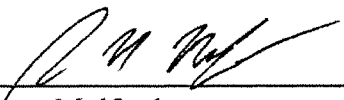
connection with the installation of a crossing on the Jacksonville Subdivision. It is undisputed that this claim was received by the Carrier on March 4, 2013. On September 5, 2013, the Organization notified the Carrier's Highest Designated Officer that the original claim had not been denied within the sixty-day time limit specified in Rule 24(a). Consequently, it asked that the claim be allowed.


The Carrier responded that it had denied the claim by letter dated April 29, 2013. That denial letter, which contains the Organization's file number associated with this claim, referenced an entirely different claim. Nowhere in the denial letter did the Carrier discuss the claim presented herein.

The Board finds, based upon the record before it, that the Carrier's letter of April 29, 2013 did not constitute a denial of the claim that had been presented by the Organization. Therefore, in accordance with Rule 24(a), the claim must be sustained without regard to the merits.

AWARD: Claim sustained. Carrier is directed to comply with this Award within 45 days.

  
\_\_\_\_\_  
Barry E. Simon  
Chairman and Neutral Member

  
\_\_\_\_\_  
Andrew Mulford  
Employee Member

  
\_\_\_\_\_  
Rob Miller  
Carrier Member

Dated: 10/19/16  
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Arlington Heights, Illinois