

AWARD NO. 215  
Case No. 215

Organization File No. B16161213  
Carrier File No. 2013-143835

**PUBLIC LAW BOARD NO. 7163**

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

**STATEMENT OF CLAIM:**

1. The Agreement was violated when, on March 2, 3, 9 and 10, 2013, the Carrier offered preference to and assigned employees A. Thomas, E. Vasquez, R. Ketly, R. Jones and B. Benson to perform overtime Maintenance of Way work and dismantle tracks in the vicinity of Mile Posts AR 854.8 and 855.5 on the Jacksonville Seniority District.
2. As a consequence of the violation referred to in Part 1 above, Claimants C. McCray, M. Smith, G. Cole, V. Ortiz, A. Dean, W. Bouchard and T. Stevens shall now each be compensated for forty (40) hours 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.

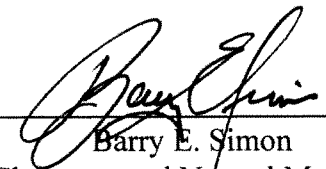
On the dates of claim, the Carrier utilized employees assigned to Team 6T16 to perform overtime work in connection with the dismantling of tracks on the Jacksonville Seniority District. The Organization argues that Claimants, who were assigned to Team 5J21, should have been used

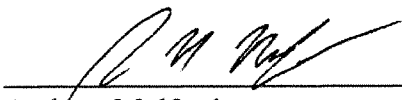
to perform this work as they were performing work on this territory during regular work hours, but the employees on Team 6T16 had been working elsewhere.


The Carrier has denied the claim on the basis that Team 6T16 had been performing this work during their regularly scheduled hours and was the appropriate gang to continue the work on an overtime basis. Without further evidence, the Board cannot resolve this factual dispute.

Although the Organization has submitted to the Board two handwritten letters from one of the Claimants, the record does not reflect that these letters were ever proffered to the Carrier during the handling of the claim on the property. We may not, therefore, give them any consideration. Under the Agreement establishing this Public Law Board, we may "only consider evidence and argument presented or made known to the opposing party prior to the close of the record on the property." With any documentation to support its claim, we must find that the Organization has failed to meet its burden of proof that the Carrier improperly used the employees on Team 6T16.

AWARD: Claim denied.

  
Barry E. Simon  
Chairman and Neutral Member

  
Andrew Mulford  
Employee Member

  
Rob Miller  
Carrier Member

Dated: 10/19/16  
Arlington Heights, Illinois