

AWARD NO. 218

Case No. 218

Organization File No. G31808113

Carrier File No. 2013-144254

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, on March 10, 2013, the Carrier assigned out of class employee J. Persinger and junior employee Ady to perform overtime Track Department work of repairing and replacing broken rail on the Clifton Forge Seniority District.
2. As a consequence of the violation referred to in Part 1 above, Claimant A. McKemy shall now be compensated for six (6) hours' overtime at his respective rate of pay.

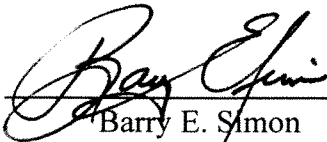
FINDINGS:


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.


The Organization asserts the Carrier utilized a welder to perform track work in repairing a broken rail. The record shows that Trackman Ady and Welder J. Persinger were called out on overtime on March 10, 2013 to repair a broken rail on the Alleghany Subdivision. It argues Claimant, a trackman, should have been called for this overtime work instead of Welder Persinger.

The Carrier has responded that Persinger was called in the event welding was going to be required. The Carrier explains that this is a standard practice when trackmen are called out to repair broken rails. As it happened, no welding was performed. There is also no evidence that Persinger performed any work in connection with the repair of the broken rail. According to the Carrier, all of the work was performed by Trackman Ady. The Organization has offered nothing to contradict this contention. We must find, therefore, that the Organization has failed to establish that the Agreement was violated.

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