

Public Law Board 7163

PLB No. 7163  
Award No. 249

Brotherhood of Maintenance of Way Employees Division  
IBT Rail Conference

And

CSX Transportation, Inc.

Statement of Claim:

*"The Organization is hereby filing a claim on behalf of Maintenance of Way Employee, Jeffrey B. Templeton, ID# 235204 for twenty four (24) hours of overtime. The carrier violated the effective Agreement on Saturday, September 22, and again on Sunday, September 23, 2012, when improper Monongah West employee, J. D. Wilson, ID# 223609 was used or otherwise allowed to work as a trackman unloading stone with work train on the Marietta Sub. on the Monongah West Seniority District, C&O Service Lane, C&O Division. The Carrier in this case is in violation of Rule 1, Rule 3, Rule 4, 11, and 17 of the effective June 1, 1999 Agreement."*

**Findings:**

The Carrier or Carriers and the Employee or Employees involved in this dispute are, respectively, Carrier or Employee within the meaning of the Railway Labor Act as approved June 21, 1934. Public Law Board 7163 has jurisdiction over the parties and the dispute involved, herein.


The resolution of this dispute will rise or fall on the strength Organization's argument that Welder J. D. Wilson was given improper seniority preference over Claimant Jeffrey B. Templeton to perform trackman work on the Marietta Sub on the Monongah West Seniority District.

Evidence of record established that neither the Claimant Jeffrey B. Templeton, nor the employee Welder J. D. Wilson were employed in the trackman job classification at the time this dispute arose. The record indicated, also, that employee J. D. Wilson was the senior employee in the trackman job classification.

Based on evidence of record, Claimant Jeffrey B. Templeton did not adduce sufficient evidence to reach the threshold required to overcome his burden of proof.

**Award:**

Claim denied.

  
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J. E. (Jim) Nash, Arbitrator, Inc.  
Chairman and Neutral Member  
Katrina Donovan  
CSX Transportation, Inc.

Carrier Member

  
Andrew M. Mulford  
BMW

Organization Member

Dated this 23 day of December 2017