

**Public Law Board 7163**

**PLB No.7163  
Award No. 250**

**Parties to Dispute:**

**Brotherhood of Maintenance of Way Employees Division  
IBT Rail Conference**

**And**

**CSX Transportation, Inc.**

**Statement of Claim:**

*"Claim of the System Committee of the Brotherhood that:*

- 1. The Agreement was violated when, on September 22 and 23, 2012, the Carrier assigned Welding Department Employer T. Kutscherenko to perform overtime Track Department work of unloading ballast with work train on the Marietta Sub on the Monongah West Seniority District, C&O Service Lane (System File G5512112/2012-135351 CSX).*
- 2. As a consequence of the violation referred to in Part 1 above, Claimant D. Wyant shall now be compensated for twenty-four (24) hours overtime at his respective rate of pay."*

**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.

Central to the Organization's claim was that Claimant D. A. Wyant's seniority as a trackman was superior to that of Welder – Mr. Kutscherenko; and for that reason, Claimant D. Wyant should have been assigned to perform overtime work of unloading ballast in the Track Department.

The Carrier maintained that since neither Welder, Mr. Kutscherenko nor Trackman, Mr. D. Wyant were assigned duties in the job classification at the relevant time; and since Mr. Kutscherenko's seniority was superior to Claimant Mr. Wyant's in the trackman job classification, it was quite proper to call Mr. Kutscherenko to perform trackman tasks between milepost BUS 11.7 and BUS 34.9 on the Monongah West Seniority District – where the work was performed.

Based on evidence of record, Claimant Mr. Wyant did not adduce sufficient evidence to make his case.

**Award:**

Claim denied.

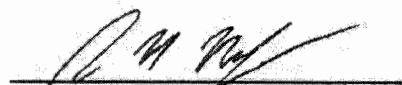


J. E. (Jim) Nash, Arbitrator, Inc.  
Chairman and Neutral Member



Katrina Donovan  
CSX Transportation, Inc.

Carrier Member



Andrew M. Mulford  
BMEW

Organization Member

Dated this 23 day of December 2017