

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 7163

Brotherhood of Maintenance of Way)	
)	
Employees Division, IBT Rail Conference)	Case No. 255
)	Award No. 255
and)	
)	
CSX Transportation, Inc.)	

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

1. The Agreement was violated when, on December 9, 10, 11 and 12, 2013, the

Carrier assigned junior employee J. Atchley to perform machine operator

work (Carrier's File 2014-157938 CSX).

2. As a consequence of the violation referred to in Part 1 above, Claimant J. Cole

shall now be compensated for forty (40) hours straight time at the applicable rate

of pay."

FINDINGS:

The Organization argues the Claimant was deprived of an opportunity to perform work on SPG Tie Team T-3 on December 9, 2013 through December 12, 2013. That this claim is substantiated by the Controlling Agreement and must be sustained

The Carrier contends that the Claimant was with the T-1 Tie Team as a machine operator. When T-1 was abolished, the Claimant elected to take his remaining vacation and attendance hours

The Board has reviewed the record before us, and given the facts of this particular case, the Board is of the opinion that the claim should be denied.

AWARD:

Claim denied in accordance with the findings.



Don A. Hampton

Neutral Chairman and Referee



Katrina Donovan

Carrier Member



Andrew Mulford

Employee Member

DATED: 3/14/18