

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 7163

Brotherhood of Maintenance of Way)	
)	
Employees Division, IBT Rail Conference)	Case No. 256
)	Award No. 256
and)	
)	
CSX Transportation, Inc.)	

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

1. The Agreement was violated when, commencing on November 26, 2012, and continuing, the Carrier assigned junior employees to perform winterization duties on Surface Production Gang (SPG) T-5 and failed to offer preference for or assign Mr. T. Schmidt to such work (Carrier's File 2013-138675 CSX).
2. As a consequence of the violation referred to in Part 1 above, Claimant T. Schmidt shall now be compensated for one hundred sixty (160) hours at the applicable straight time rate of pay."

FINDINGS:

The Organization contends this is a straight forward claim. That the Carrier deprived the Claimant of an opportunity to perform SPG winterization work during the winter season.

The Carrier argues that all employees on System Productions Teams have for several years participated via a sign-up sheet in volunteering for winterization work. That the Claimant did not sign up to participate and was therefore not called.

The Board has carefully reviewed the record before us, and while the Claimant's statement (Carrier Exhibit E Page 4 and Employees Exhibit A-3) was taken into consideration, it simply is insufficient by its self to compel the Board to issue a sustaining award .

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