

AWARD NO. 329
Case No. 329

Organization File No. S21909016
Carrier File No. 2016-209365

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:

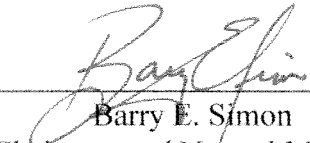
1. The Agreement was violated when, commencing on May 16, 2016 and continuing through and including June 6, 2016, the Carrier allowed junior employees R. Saulter and C. Piazza to upgrade into and work assistant foreman positions (System File S21909016/2016-209365 CSX).
2. As a consequence of the violation referred to in Part 1 above, Claimant B. Cheeks shall now be ‘,,, compensated for the difference in pay between Class “A” machine operator and Assistant Foreman rate of pay for One Hundred Ten (110) Hours Straight Time, Ten (10) Hours Holiday Pay and Thirty Nine (39) hours Overtime, and all time be credited towards vacation and Railroad Retirement.’ (Employees’ Exhibit ‘A-1’).”

FINDINGS:

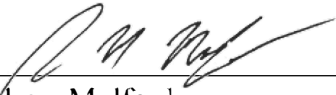
The Board, upon consideration of the entire record and all of the evidence, finds that the parties are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated March 20, 2008, this Board has jurisdiction over the dispute involved herein, and that the parties were given due notice of the hearing held.

The claim herein has been settled by the parties. Inasmuch as there is no longer a matter in controversy, the claim must be dismissed.


AWARD: Claim dismissed.



Barry E. Simon
Chairman and Neutral Member



Andrew Mulford
Employee Member



Katrina Donovan
Carrier Member

Dated: 2/4/19
Arlington Heights, Illinois