

AWARD NO. 372  
Case No. 372

Organization File No. D70186117  
Carrier File No. 17-98719

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

1. The Carrier's discipline [thirty (30) days actual suspension] of Mr. H. Boykin, by letter dated November 10, 2017, in connection with allegations that he violated CSX Transportation Operating Rules 100.1, 104.3(d) and 2007.3 was arbitrary, unsupported, unwarranted and in violation of the Agreement (System File D70186117/17-98719 CSX).
2. As a consequence of the violation referred to in Part 1 above, Claimant H. Boykin shall '... be made whole for all financial and benefit losses as a result of the violation. \*\*\*' (Employees' Exhibit 'A-2')."

**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.

At all times relevant to this dispute, Claimant was assigned as a truck driver. In this position, Claimant was required to have a Commercial Driver's License (CDL) and maintain a Commercial

Motor Vehicle (CMV) logbook. These are requirements established by the U.S. Department of Transportation Federal Motor Carrier Safety Administration.

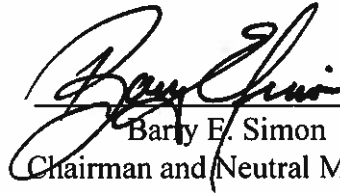
It was brought to the attention of SPT Tie Manager Timmy Belcher that Claimant's logbook had errors on August 10, 2017. According to the Carrier, he had recorded that he had driven for 2 hours and was on duty but not driving for 10 hours. On his graph, however, he showed that he had driven 2.5 hours and had 9.5 hours on duty but not driving.

Claimant was consequently directed to attend a formal investigation at which he was charged with failing to follow instructions by not filling out his CMV logbook properly. Following the investigation, Claimant was issued a thirty-day actual suspension.


Our review of the record of the investigation shows that Claimant acknowledged that the information on his logbook was inconsistent. Claimant attributed this to a lack of training. The Carrier notes that this was the nineteenth time he had been cited for errors in his logbook, and that he had been provided extensive training and was offered help by his supervisor. It says he refused this help. We find, based upon the record before us, that the Carrier had substantial evidence to support its charge against Claimant. Maintenance of the logbook is an essential part of his daily duties as a truck driver, and required by federal regulation. The imposition of the discipline in this case was for just cause, and was neither arbitrary nor excessive. We find no basis for any modification of the discipline.

In reaching this conclusion, we have given consideration to the various arguments raised by the Organization and find them to be unpersuasive in this case.

AWARD: Claim denied.



Barry E. Simon  
Chairman and Neutral Member



Andrew Mulford  
Employee Member



Katrina Donovan  
Carrier Member

Dated: 07/15/19  
Arlington Heights, Illinois