

AWARD NO. 374
Case No. 374

Organization File No.
Carrier File No. 2017-229721

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. D. Robinson, by letter dated November 20, 2017, in connection with allegations that he violated CSX Transportation Operating Rules 704.6 and 2002.1 was arbitrary, unsupported, unwarranted and in violation of the Agreement (Carrier's File 2017-229721 CSX).

2. As a consequence of the violation referred to in Part 1 above, Claimant D. Robinson shall now be immediately reinstated with all rights and privileges unimpaired, be paid for all lost time (including holidays, overtime, etc.), have all charges expunged from his record and receive a written apology addressed to him and his family for the charging officer's forcing them into a hardship that was certainly uncalled for."

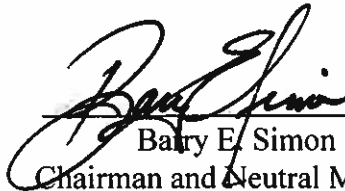
FINDINGS:


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.

Following a formal investigation at which he was charged with failing to have an effective job briefing about track protection, Claimant was assessed a thirty-day actual suspension. A review of the record of the investigation shows that Claimant's assertion that he had multiple job briefings on the day in question was corroborated by another employee. Furthermore, it is apparent that the EC-1 document submitted by the Carrier, which did not contain Claimant's signature, was not the relevant document for the service Grievant performed that day.

We find, based upon the record before us, that the Carrier did not produce substantial evidence to support its charge against Claimant. The discipline imposed, therefore, was without just cause, and must be reversed.

AWARD: Claim sustained. Carrier is directed to comply with this Award within 45 days.


Barry E. Simon
Chairman and Neutral Member


Andrew Mulford
Employee Member


Katrina Donovan
Carrier Member

Dated: 07/15/19
Arlington Heights, Illinois