

AWARD NO. 376

Case No. 376

Organization File No.

Carrier File No. 18-01549

**PUBLIC LAW BOARD NO. 7163**

PARTIES ) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION,  
TO ) INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
DISPUTE )  
DISPUTE ) CSX TRANSPORTATION, INC.

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

1. The Carrier's discipline [fifteen (15) days actual suspension] of Mr. M. Leifer, by letter dated December 5, 2017, in connection with allegations that he violated CSX Transportation Operating Rule 100.1 was arbitrary, unsupported, unwarranted and in violation of the Agreement (System File Carrier's File 18-01549 CSX).
2. As a consequence of the violation referred to in Part 1 above, Claimant M. Leifer shall be fully exonerated, have all charges dismissed, properly compensated and given all benefits, rights and credits."

**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 an investigation at which he was charged with placing his conditional stop boards inside the working limits of another 707 Track Authority, Claimant was assessed a fifteen-day actual

suspension. While the Carrier has suggested that Claimant's placement of the conditional stop boards may lead to confusion as to who has authority over that trackage, the record does not show a rule that prescribes what should or should not have been done in this case. To be sure, the only rule violation cited by the Carrier in the discipline notice is Operating Rule 100.1, which merely directs that employees must know and comply with the rules.

Based upon the record before the Board, we must find that the Carrier has not established that Claimant had violated a rule that subjected him to discipline. The discipline imposed, therefore, 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