

AWARD NO. 377
Case No. 377

Organization File No.
Carrier File No. 17-51731

PUBLIC LAW BOARD NO. 7163

PARTIES) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES 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. Chase, by letter dated November 27, 2017, in connection with allegations that he violated CSX Transportation Operating Rules 100.1, 104.1 and 2007.3 was arbitrary, unsupported, unwarranted and in violation of the Agreement (Carrier's File 17-51731 CSX).
2. As a consequence of the violation referred to in Part 1 above, Claimant H. Chase 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.


The facts in this case are not in dispute. On October 8, 2017 Claimant was driving a Company truck, delivering materials to CP Draw. On that day, Claimant drove under a bridge that had a 12' clearance. His truck had a minimum height of 13' 6". Consequently, the truck struck the

bridge, damaging the seat on the top of the truck where the crane operator sits, known as the crow's nest. At the investigation, Claimant acknowledged that there was a sign showing the clearance of the bridge, and that he had noticed the sign. When asked if he had complied with the Carrier's rules, he answered that he had not.

Based upon the testimony and evidence developed at the investigation, the Board finds that the Carrier had substantial evidence to support its charge against Claimant. We find no basis for modifying the discipline imposed.

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