

AWARD NO. 378
Case No. 378

Organization File No.
Carrier File No. 2017-229156

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 [fifteen (15) days actual suspension] of Mr. C. Gardner, by letter dated November 6, 2017, in connection with allegations that he violated CSX Transportation Operating Rules 100.1 and 104.3(d) was arbitrary, unsupported, unwarranted and in violation of the Agreement (Carrier's File 2017-229156 CSX).
2. As a consequence of the violation referred to in Part 1 above, Claimant C. Gardner shall be fully exonerated, have all charges dismissed, be properly compensated and given all benefits, rights and credits."

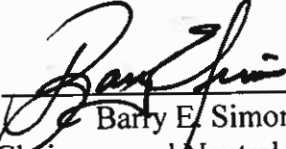
FINDINGS:

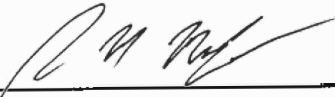
The Board, upon consideration of the entire record and all of the evidence, finds that the parties are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated March 20, 2008, this Board has jurisdiction over the dispute involved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


The facts and circumstances in this case are identical to those in Case No. 375, the only differences being that the Claimant herein was a member of the gang working under the supervision

of K. Lamica and that Claimant was issued a fifteen-day actual suspension. The Carrier conducted a joint investigation of the two employees. As we held in Award No. 375, the Carrier failed to conduct an investigation within twenty days from the date management had knowledge of the employee's involvement. As the Carrier did not comply with the time limit provision of Article 25(d), we must sustain the claim regardless of the merits of the discipline.

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