

AWARD NO. 454
Case No. 454

Organization File No. D32444518
Carrier File No. 18-92338

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 (formal reprimand) of Mr. W. Stewart, by letter dated December 18, 2018, in connection with allegations that he violated CSX Crew Attendance Policy System (CAPS) was arbitrary, capricious, unnecessary and excessive (System File D32444518/18-92338 CSX).
2. As a consequence of the violation referred to in Part 1 above, the Carrier must '*** clear all mention of the matter from Claimant's personal record, immediately return Claimant to service with rights and benefits unimpaired and compensate him for all loss suffered. This loss includes, but is not limited to, any straight time, overtime, double-time or other Carrier provided compensation lost as a consequence of the discipline. It also includes health-care, credit rating, investment, banking, mortgage/rent or other financial loss suffered because of the discipline.' (Employees' Exhibit 'A-2')."

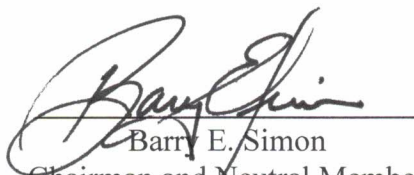
FINDINGS:

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.


Following a formal investigation in connection with his reaching or exceeding the threshold for discipline under the Carrier's Engineering Attendance Point System Policy, Claimant was issued a Formal Reprimand. The record of the investigation established a Notice of Investigation, as well as two postponement notices, were sent to Claimant's address of record, but he was not in attendance. The record further shows that Claimant had progressed through the initial steps of the Attendance Point System Policy and had then accumulated ten additional points, placing him over the threshold of twenty points for a Formal Reprimand.

Based upon the record before us, the Board finds that Claimant was properly notified of the investigation and the Carrier was privileged to conduct it in his absence. Further, we find that the Carrier had substantial evidence to support its charge against Claimant and that the discipline assessed was neither arbitrary nor excessive.

AWARD: Claim denied.


Barry E. Simon
Chairman and Neutral Member


David M. Pascarella
Employee Member


John Nilon
Carrier Member

Dated: 8/9/21
Arlington Heights, Illinois