

**PUBLIC LAW BOARD NO. 7163**

<b>PARTIES</b>	)	<b>BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES</b>
	)	<b>DIVISION - IBT RAIL CONFERENCE</b>
	)	
<b>TO</b>	)	<b>VS.</b>
	)	
<b>DISPUTE</b>	)	<b>CSX TRANSPORTATION, INC.</b>

**STATEMENT OF CLAIM**

“Claim of the System Committee of the Brotherhood that:

1. The Carrier’s discipline [formal reprimand with one (1) calendar day actual suspension] of Mr. R. Edwards, by letter dated March 25, 2020, in connection with allegations that he violated CSX Transportation Rules 100.1 and 104.3(d) was arbitrary, capricious, unnecessary and excessive (System File DRA903320/20-07687 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. 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 healthcare, credit rating, investment, banking, mortgage/rent or other financial loss suffered because of the discipline.’ (Employees’ Exhibit ‘A-2’).”

**JURISDICTION**

The Board upon consideration of the entire record and all the evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended; that the Board has jurisdiction over this dispute; that the parties were given due notice of hearing.

**FINDINGS**

The Carrier hired R.C. Edwards (“Claimant”) on October 24, 2005. The

investigative hearing for the incident at issue was held on March 12, 2020. Subsequent to the investigation, by letter dated May 6, 2020, the Carrier found Claimant culpable of violating CSX Transportation Rules 100.1 and 104.2(d) resulting in a Formal Reprimand and one (1) suspension day without pay, dated March 25, 2020. Specifically, that on January 17, 2020, at approximately 8:15 a.m., in the vicinity of the Union City office, Claimant was instructed to take a dump truck to a mechanic vender for repairs and disobeyed the instructions.

The Organization appealed Claimant's discipline by letter dated April 20, 2020. The appeal was denied by the Carrier on July 23, 2020. Thereafter, the dispute was handled according to the ordinary and customary on-property handling process. The parties were ultimately unable to resolve the dispute and the matter is now before this Board for final adjudication.

In reaching its decision, the Board has considered all the testimony, documentary evidence and arguments of the parties, whether specifically addressed herein or not. The Board finds substantial evidence in the record to uphold the Carrier's position regarding the charges against Claimant.

We find that there has been no abusive or arbitrary action which provides a basis to disturb the discipline imposed by the Carrier. Finally, there are no procedural errors that warrant disturbing the discipline. Accordingly, the relief sought by the Organization is denied. The formal reprimand with one (1) calendar day actual suspension shall remain on Claimant's personal record.

### **AWARD**

Claim denied.



Jeanne Charles

Chairman and Neutral Member



John Ingoldsby  
Carrier Member



Ross Glorioso  
Labor Member

Dated: December 19, 2023