

PUBLIC LAW BOARD NO. 7163

PARTIES)	BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
)	DIVISION - IBT RAIL CONFERENCE
)	
TO)	VS.
)	
DISPUTE)	CSX TRANSPORTATION, INC.

STATEMENT OF CLAIM

“Claim of the System Committee of the Brotherhood that:

1. The Carrier’s discipline (dismissal) of Mr. B. Johnson, by letter dated August 19, 2020, in connection with allegations that he violated the CSXT Engineering Attendance Point System (APS) on or about June 17, 2020, was arbitrary, capricious, unnecessary and excessive (System File DRA 905320/20-85527 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 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

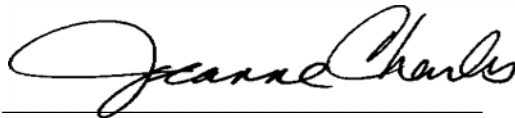
The Carrier hired B.S. Johnson (“Claimant”) on December 1, 2014. The investigative hearing for the incident at issue was held on August 6, 2020. Subsequent to the investigation, by letter dated August 18, 2020, the Carrier found Claimant culpable of violating the CSXT Crew Attendance Point System Policy (CAPS). As a result, Claimant was dismissed.

The Organization appealed Claimant’s dismissal by letter dated September 2, 2020. The appeal was denied by the Carrier on October 2, 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 dismissal 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