

AWARD NO. 561
Case No. 561

Organization File No. DRA835478120
Carrier File No. 21-10530

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:

1. The Carrier's discipline (dismissal) of Mr. A. Brooks, by letter dated January 11, 2021, in connection with allegations that he violated the CSX Transportation Rules 104.2(a), 104.3(d) and 104.4, was on the basis of unproven charges, arbitrary, capricious, unnecessary and excessive (System File DRA835478120/21-10530 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 to include, but not limited to, retirement service accrual and pension payments, healthcare, credit rating, investment, banking, mortgage/rent or other financial loss suffered because of the improper discipline.’

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 essential facts in this case are substantially undisputed. On November 23, 2020 Claimant's assigned hours were from 7:00 am to 5:00 pm. Sometime that morning he asked Senior Track Supervisor Peter Cooper if he could use a Company truck to run a personal errand, offering no further explanation. Permission was granted and Claimant left his job. Later that morning, Claimant phoned Supervisor Cooper to inform him that he had been arrested at the courthouse for an outstanding bench warrant, and that Cooper should come to retrieve the truck. Claimant was taken into custody and did not return to work that day. He was subsequently directed to attend a formal investigation in connection with this matter. By letter dated January 11, 2021 Claimant was informed he was dismissed for violating Rules 104.2(a), 104.3(d), and 104.4.

In reviewing the record of the investigation, the Board finds that the Carrier had substantial evidence to support its charge against Claimant. This evidence includes Claimant's admission to the facts alleged by the Carrier. We find, also, that the discipline imposed was neither arbitrary nor excessive. The Carrier has characterized this as a Major offense involving dishonesty, which may warrant dismissal. Under the parties' Agreement, an employee may be held out of service pending hearing when charged with a major offense.

In reaching our conclusion, the Board has considered the Organization's various arguments and finds them to be unpersuasive in the case before us.

AWARD: Claim denied.


Barry E. Simon
Chairman and Neutral Member



Ross Glorioso
Employee Member



John Ingoldsby
Carrier Member

Dated: March 18, 2024
Arlington Heights, Illinois