

PUBLIC LAW BOARD NO. 7163

CASE NO. 605  
AWARD NO. 605

Brotherhood of Maintenance of Way Employees  
Division - IBT Rail Conference

and

CSX Transportation, Inc.

Claimant: R. Bennett

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STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

1. The Agreement was violated when, on June 21, 2020 through and including July 10, 2020, the Carrier failed to assign Mr. R. Bennett to a temporary B&B assistant foreman flagman vacancy in conjunction with System Rail Grinding operations in the vicinity of Montgomery, West Virginia various towns, Mile Post CA 427 to Mile Post 27, CAB 169.8 (Snowden Bridge) (System File FLO135820/20-32752 CSX).
  2. As a consequence of the violation referred to in Part 1 above, Claimant R. Bennett shall now be compensated one-hundred twenty-eight (128) hours of overtime at the Assistant Foreman – Flagman rate of pay.”
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FINDINGS:

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

At the time of this dispute, Claimant, R. Bennett, was regularly assigned as B&B Assistant Foreman team 6F90 floating on the Richmond Seniority District of the Florence Division.

Claimant asserts he should have been assigned to perform the assistant foreman – flagging protection work of B&B fire watch for the rail grinding work referenced in the Statement of Claim above.

Rule 3, Section 4. of the parties' Agreement provides in relevant part: “. . . When new positions or vacancies occur, the senior qualified available employees will be given preference, whether working in a lower rated position or in the same grade or class pending advertisement and award.”

The Carrier has denied this claim, contending that Claimant was not qualified to perform the duties of the job. In the record before the Board, Organization did not establish that Claimant was qualified on the physical characteristics of this territory or that he would have been able to get track time to perform B&B fire watch work in question. See PLB 7163 Award No. 534 (Simon, 2024). Accordingly, we cannot find that the Agreement was violated.

AWARD:

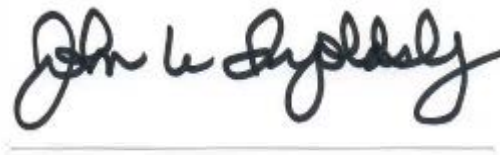
Claim is denied.



Rachel Goedken  
Neutral Referee  
Dated: Feb 11, 2025



Casey Summers  
Employee Member



John Ingoldsby  
Carrier Member