

PUBLIC LAW BOARD NO. 7163

CASE NO. 622
AWARD NO. 622

Brotherhood of Maintenance of Way Employees
Division - IBT Rail Conference

and

CSX Transportation, Inc.

Claimant: R. Campbell

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

1. The Carrier’s discipline (time served suspension) imposed upon Mr. R. Campbell, by letter dated August 31, 2022, for alleged violation of Rule 100.1, in connection with allegations that, on May 24, 2022, at or near A 95.3, he failed to follow instructions to keep work areas and CSX property clean, orderly, and protected from hazards when he did not properly rig the bridge span and placed grating on top of the bridge spans, was arbitrary, unsupported, unwarranted and in violation of the Agreement (System File DRA 305422/22-11918 CSX).
 2. As a consequence of the violation referred to in Part 1 above, Claimant R. Campbell shall now be fully exonerated of all charges brought against him and be made whole, including all benefits and credits.”
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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.

The Claimant established and maintained seniority in the Carrier’s Maintenance of Way Department with twelve years of seniority. During the time relevant to this dispute, Claimant was working as a Bridge Foreman. This case involves whether the Claimant’s discipline violated the parties’ Agreement.

On June 6, 2022, the Claimant was provided notice that a formal investigation would be held "to develop the facts and place your responsibility, if any, in connection with information received that on May 24, 2022, at approximately 11:35 hours, at or near A 95.3, you failed to follow instructions to keep work areas and CSX property clean, orderly, and protected from hazards when you did not properly rig the bridge span and placed grating on top of the bridge span, and all circumstances relating thereto."

Following a formal investigation into this matter held on August 18, 2022, the Carrier made several findings, including that on or about May 24, 2022, the Claimant failed to follow his supervisor's instructions to lift one span at a time and, in fact, the attempt was made, under the Claimant's direction, to lift two at a time. Based on this finding, the Carrier issued the Claimant Corrective Action of a Formal Notification and a time served suspension on August 31, 2022.

In discipline cases, the Carrier has the burden to prove that there is substantial evidence that the Claimant engaged in the alleged misconduct. First Division Award 16785. Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Consolidated Edison v. NLRB*, 305 U.S. 197, 305 (1938).

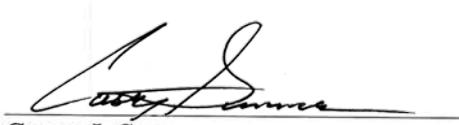
In this case, there is substantial evidence to support the conclusion that the Claimant's supervisor instructed him to lift one span at a time and the Claimant failed to follow that instruction and lifted two spans and grating in an unsafe manner, which led to the Claimant sustaining an injury. Under these circumstances, the Board finds no reason to interfere with the level of discipline imposed by the Carrier.

AWARD:

Claim Denied.



Michael G. Whelan
Neutral Referee
Dated: 12/1/25



Casey J. Summers
Employe Member



Eric Caruth
Carrier Member