

PUBLIC LAW BOARD NO. 7163

Award No. 640

Case No. 640

**BROTHERHOOD OF MAINTENANCE OF WAY
EMPLOYEES DIVISION OF THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS**

and

CSX TRANSPORTATION, INC.

STATEMENT OF CLAIM

“Claim of the System Committee of the Brotherhood that:

1. The Carrier’s discipline (dismissal) of Mr. M. Burris, by letter dated May 26, 2023, in connection with allegations that he violated CSX Operating Rules 100.1, 104.2, 104.10 and the CSX Code of Ethics was on the basis of unproven charges, arbitrary, capricious, unnecessary and excessive (System File DRA 300723/23-44426 CSX).

2. As a consequence of the violation referred to in Part 1 above, the Organization requests that the Carrier:

“* clear all mention of the matter from Claimant’s personnel record, immediately return Claimant’s 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 because of the improper discipline. It also includes healthcare, credit rating, investment, banking, mortgage/rent or other financial loss suffered, backpay, to include railroad retirement accrument (service months and contributions lost) because of the improper discipline.’ (Employes’ Exhibit ‘A-2’).”**

FINDINGS

Public Law Board 7163, upon the whole record and all the evidence, finds that the parties to this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934. This Public Law Board has jurisdiction over the dispute involved herein. Parties to this dispute were given due notice of hearing thereon.

Claimant was hired in 2006. He had no active discipline on his record.

On February 16, 2023, he was issued a Notice of Investigation in connection with information received that “between the date ranges of December 5th, 2022, to February 13th, 2023, while working 6F53, at or near Sumter, SC, you claimed pay for time not worked, you were found driving the company truck to your personal residence without permission, and all circumstances relating thereto.”

The Carrier argues that the Investigation established that Claimant claimed pay for hours not worked and parked his Company vehicle at his residence on 35 occasions. Claimant failed to appear at the Investigation. Dismissal is warranted.

The Organization argues that the Carrier has not met its burden of proof. Claimant was not provided with a fair and impartial Investigation. He requested a postponement due to medical reasons. The request was denied.

The Board has carefully reviewed all of the documents submitted by the parties during their on-property handling of this matter. We find that the Carrier has sustained its burden of proof. When Claimant was first absent from the hearing in April 2023, the request for a postponement was granted. The rescheduled date was set with the agreement of the Organization. Claimant again did not attend and did not request a postponement prior to the hearing. He stated when contacted on the date of the hearing that he would not be attending “due to medical issues.” He told his representative that he had sent notification to CSX Medical. The Hearing Officer checked with CSX Medical Department and discovered that “it does not appear there is any new documentation that has been submitted. It shows that he’s medically qualified and there’s no reason that he could not attend this hearing.” The Carrier was justified in continuing with the hearing. No defense on the merits was presented on the property.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to Claimant not be made.



**Barbara C. Deinhardt
Neutral Member and Chairman**



**Eric Caruth
Carrier Member**



**Casey J. Summers
Employee Member**

Dated: December 19, 2025