

PUBLIC LAW BOARD NO. 7163

**Award No. 645
Case No. 645**

**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. A. Bailey, by letter dated October 13, 2023, in connection with allegations that he violated CSX Operating Rules 100.1, 104.2(a), 104.3(d) and (e), 712.17, 712.29 (1) and (2) and the CSX Code of Ethics was arbitrary, capricious, unnecessary and excessive (System File DRA113523/23-22951 CSX).

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

‘* that the dismissal letter and all matters relative thereto be removed from Mr. Bailey personal file, and be made whole for all losses suffered including straight time, overtime, and double time, vacation, personal days, sick days, and retirement, as a result of the Carrier’s actions.’ (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 2000. He had no active discipline at the time of the incident.

By letter dated September 1, 2023, the Carrier directed the Claimant to report for a formal investigation into allegations that on August 29, 2023, at approximately 1305 hours, in the vicinity of Mile Post 000433.8 CR25, he failed to control movement and struck an outside party vehicle, resulting in damage to both vehicles. In addition, during review of his Global Positioning System (GPS) and inspection records for the period of August 1, 2023 through August 29, 2023, multiple instances of him allegedly excessively speeding and falsifying inspection records were discovered and all circumstances relating thereto.

The Carrier argues that the Investigation established that on August 29, 2023, “Claimant was operating a company vehicle on the high-rail when he approached the road crossing on County Road 25. As Claimant approached the crossing, he observed a vehicle approaching the crossing when he collided with the other vehicle causing damage to both vehicles. Claimant was required to operate the vehicle at a speed which would allow him to stop within one-half the range of vision prior to the other vehicle. In Claimant’s testimony, he admitted he failed to operate at restricted speed which resulted in the collision. A review of Claimant’s GPS records for the day indicated Claimant operated his company vehicle in excess of the 40 MPH limit for a high-rail vehicle and in excess of the 5 MPH restriction when going through a switch on several occasions on the incident date. Further review of the GPS records for the days Claimant operated the vehicle in August 2023, established several additional occasions when he operated his company vehicle at a speed in excess of the 40 MPH speed restriction. An examination of the GPS records and Claimant’s track inspection reports indicated discrepancies between the areas he certified he had inspected, and the locations indicated by the GPS. Claimant did not inspect all the portions of track he certified he had completed. When asked for an explanation, Claimant offered testimony that there were portions of track where he had to come off the rail for other equipment on the track or other reasons. However, there was no explanation offered as to why the sections of track that were not actually inspected were certified in Claimant’s FRA reports as completed.” Dismissal is warranted.

The Organization argues that the Carrier has not met its burden of proof. Claimant was charged with three separate rule violations. As to the first, operating at

excessive speed on August 29, 2023, Claimant admits his error. As to the second, speeding on several other occasions, Claimant testified that he thought he was operating within the speed limit. The instances charged show only a slightly excessive speed. As to the third, Claimant explains that he was not familiar with the system for reporting his track inspections. He reported this trouble to his supervisor. He denies deliberately reporting that he conducted inspections that he did not in fact conduct. Further, the Organization asserts that dismissal of a 23-year employee with a clean disciplinary record is excessive.

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. However, under all the circumstances, including Claimant's length of service and clean record, we find that Claimant should be reinstated on a last chance leniency basis, but without back pay.

AWARD

Claim sustained in part.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to Claimant be made. The Carrier is ordered to make the Award effective on or before 30 days following the day the Award is transmitted to the parties.

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Barbara C. Deinhardt
Neutral Member and Chairman



Eric Caruth

Carrier Member



Casey J. Summers

Employee Member

Dated: December 19, 2025