

PUBLIC LAW BOARD NO. 7163

Award No. 648

Case No. 648

**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 (formal corrective notification) of Mr. E. Putnam, by letter dated December 16, 2022, was on the basis of unproven charges, arbitrary, capricious, unnecessary and excessive (System File DRA837609422/22-84783 CSX).**
- 2. As a consequence of the violation referred to in Part 1 above, the Organization requests that 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.’ (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 1996. He had no active discipline on his record at the time of the incident.

By letter dated November 2, 2022 (Carrier's Transcript Exhibit 1), the Carrier directed Claimant to report for a formal investigation in connection with information received from the United States Coast Guard on October 21, 2022, notifying CSX that on October 4, 2022, from approximately 1300 through 1530 hours, of numerous mariner complaints concerning untimely operations of Navassa Bridge and conduct unbecoming of a bridge tender, when he allegedly exhibited discourteous behavior and used boisterous, profane and/or vulgar language and all circumstances relating thereto. Following the investigation, he was assessed a Formal Notification.

The Carrier argues that the Investigation established that Claimant failed to operate the bridge in a timely manner on October 4, 2022, following information received from the US Coast Guard of numerous mariner complaints concerning untimely operations of Navassa Bridge and conduct unbecoming of a Bridge Tender when Claimant exhibited discourteous behavior. During the investigation the employee admitted to causing delays to mariners by not answering the phone and making boats pull up to the bridge, stop, and wait for him to give a signal that he was opening the bridge. The employee also admitted to not calling people back that calls the house and could not tell the difference between a spam call and a mariner call. The manager provided documentation from the US Coast Guard and a marine company that documented specific issues of this and Mr. Putnam validated these complaints by admitting that he causes unnecessary delays. Based on the record developed, Claimant was found by his admission to delaying mariners due to him not wanting to answer the phone because it may be a spam call. Claimant's testimony validated the US Coast Guard's claims of unnecessary delays and also validated the manager's investigation and facts presented during the investigation. The record established Claimant failed in his responsibilities to operate in accordance with the regulations of his position. Discipline is warranted.

The Organization argues that the Carrier has not met its burden of proof. Claimant was not given a fair and impartial investigation. Neither the Notice of Investigation nor the Notice of Discipline cited any Carrier rules that Claimant was alleged to have violated. Further, Claimant testified that he had notified Carrier supervision that he felt it was a safety issue for him to have to always be answering telephone calls, which were often spam calls. Boaters were able to get his attention by blowing their horn at the bridge.

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 the circumstances, we find that a non-disciplinary coaching memorandum would have been sufficient.

AWARD

Claim sustained in part. No remedy is warranted as the discipline has already been expunged from Claimant's record.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to Claimant be made.



Barbara C. Deinhardt
Neutral Member and Chairman



Eric Caruth



Casey J. Summers
Employee Member

Carrier Member

Dated: December 19, 2025