

PUBLIC LAW BOARD NO. 7529

Case No. 133

PARTIES

TO THE DISPUTE:

Brotherhood of Maintenance of Way Employees
Division of the International Brotherhood of Teamsters
System File: D70704216

VS.

CSX Transportation, Inc.
Carrier File: 2016-209331

Referee: Sherwood Malamud

FINDINGS

The Board, upon the whole record and on the evidence, finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that this Board is duly constituted by agreement of the parties.

Under date of July 5, 2016, Claimant D.W. Hodge signed an Attachment A expedited discipline handling form. Through this document, Claimant Hodge elected to submit the matter directly to arbitration.

FACTS

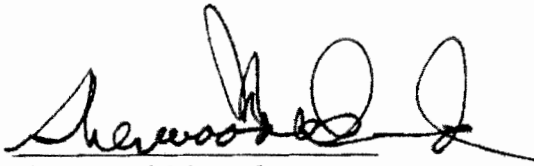
The Carrier hired Claimant on August 12, 2013. By letter dated May 9, 2016, Claimant's Welding Manager notified him of his disqualification as a Welder. Claimant challenged this decision. An investigatory hearing was held on June 9, 2016. After reviewing the record of that hearing, Division Engineer J.W. Fortune sustained the decision to disqualify Claimant as a Welder for a period of 6-months in a letter dated June 17, 2016. Claimant appeals this decision to this Board.

BOARD FINDINGS

The Agreement establishing PLB 7529 limits the Board's jurisdiction to disciplinary disputes. Disqualification is not discipline, NRAB, Third Division, Award 40418 (Clauss); NRAB, Third Division, Award 41595 (Meyers); PLB 7633, Award 36 (Newman); NRAB Second Division, Award 14075 (Wesman). The Board lacks jurisdiction to review the Carrier's decision to disqualify Claimant from serving as a Welder. The Board dismisses this appeal for lack of subject matter jurisdiction over this dispute.

AWARD

Claim dismissed for lack of subject matter jurisdiction.

A handwritten signature in black ink, appearing to read 'Sherwood Malamud', written over a horizontal line.

Sherwood Malamud

Neutral Member

Date: 11/22/2017