

PUBLIC LAW BOARD NO. 7120

PARTIES TO DISPUTE: (BROTHERHOOD OF MAINTENANCE OF WAY
(EMPLOYES DIVISION
(
(CSX TRANSPORTATION, INC.

STATEMENT OF CHARGE:

By letter dated July 22, 2009, Ken Spivey, Roadmaster, instructed C. C. White ("the Claimant") to attend a formal Investigation on August 4, 2009, in Jacksonville, Florida, regarding his alleged absence from his work location on various dates and his alleged being engaged in personal calls on numerous occasions while on duty. By agreement of the parties the Investigation was postponed to August 27, 2009. Following the close of the hearing, the Carrier notified the Claimant by letter dated September 14, 2009, that he had been found guilty of the charges and that the discipline assessed was dismissal.

FINDINGS:

Public Law Board No. 7120, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

The Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The Claimant began his employment with the Carrier on January 9, 2006. At the time of his receipt of his dismissal letter of September 14, 2009, an appeal of his

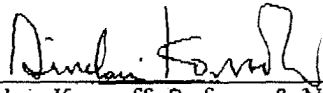
dismissal on prior charges in a different proceeding was pending before this Board. That dismissal was upheld by this Board in Award No. 52 issued on November 18, 2009. Accordingly this appeal is moot and will be dismissed on that ground.

A W A R D

Claim dismissed as moot.

O R D E R

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

A handwritten signature in black ink, appearing to read "Sinclair Kossoff", is written over a horizontal line.

Sinclair Kossoff, Referee & Neutral Member

Chicago, Illinois
January 20, 2010