

PUBLIC LAW BOARD NO. 7163

AWARD NO. 39

CASE NO. 39

Carrier File: 12(07-0067)

BMWE File: I58713906

PARTIES TO
THE DISPUTE:

Brotherhood of Maintenance of Way Employees
Division - IBT Rail Conference
vs.
CSX Transportation, Inc.

ARBITRATOR: Gerald E. Wallin

DECISION: Claim dismissed.

STATEMENT OF CLAIM:

- "1. The Agreement was violated when the Carrier failed to call and assign Mr. R. Orr for overtime service on the Nashville Division of the Midwest Region on October 14 and 21, 2006 and instead called and assigned junior employee L. Flake [System File I58713906/12(07-0067) CSX].
2. As a consequence of the violation referred to in Part (1) above, Claimant R. Orr shall now be compensated "... twelve (12) hours overtime rate, for the date of October 14, 2006, and thirteen (13) hours overtime, for the date of October 21, 2006, at his respective overtime rate of pay."

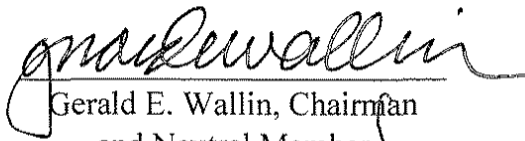
FINDINGS OF THE BOARD:

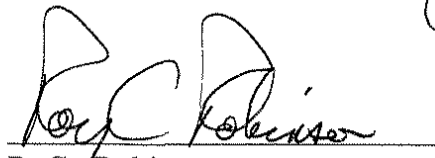
The Board, upon the whole record and on the evidence, finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that this Board is duly constituted by agreement of the parties; that the Board has jurisdiction over the dispute, and that the parties were given due notice of the hearing.

After review of the submissions, the Board finds no issues remain in this dispute that require resolution by the Board.

AWARD:

The Claim is dismissed.


Gerald E. Wallin, Chairman
and Neutral Member


R. C. Robinson,
Organization Member


N. V. Nihoul,
Carrier Member

Date: Feb 11, 2009