

PUBLIC LAW BOARD NO. 7163

AWARD NO. 70

CASE NO. 70

**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: "Claim of the System Committee of the Brotherhood that:

1. The Agreement was violated when the Carrier failed to call and assign Track Inspector K. Gunter to perform overtime track inspection duties on October 27, 2007 and instead called and assigned junior employee L. Carper (System File G31811007/2008-004363)
2. As a consequence of the violation referred to in Part 1 above, Claimant K. Gunter shall now be compensated for three (3) hours at his respective time and one-half rate of pay."

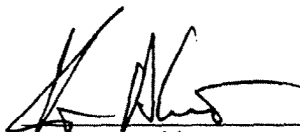
FINDINGS OF THE BOARD:

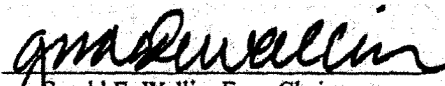
The Board, upon the whole record and on the evidence, finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that this Board is duly constituted by agreement of the parties; that the Board has jurisdiction over the dispute, and that the parties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

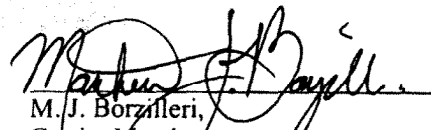
After review of the submissions, the Board finds no issues remain in this dispute that require resolution by the Board.

AWARD:

The Claim is dismissed.


Kevin Evanski,
Organization Member


Gerald E. Wallin, Esq., Chairman


M.J. Borzilleri,
Carrier Member

Date: 1-11-11