

SPECIAL BOARD OF ADJUSTMENT 1110

Award No. 63  
Case No. 63

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees  
and  
CSX Transportation, Inc.

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

1. The Carrier violated the Agreement when it removed employee E.P. Horton from the position of assistant foreman timekeeper on SPG Gang 6XT5 in early January, 1997 [System File 21(58)(97)/12(97-1499) CSX].
2. As a consequence of the above-stated violation, Claimant E.P. Horton "...shall now be placed on the Assistant Foreman Time Keeper position Gang 6XT% and paid for any loss of wages beginning February 14, 1997 and continuous until he is permitted to fill the position."

FINDINGS:

This Board, upon the whole record and all of the evidence, finds and holds as follows:

1. That the Carrier and the Employees involved in this dispute are, respectively, Carrier and Employees within the meaning of the Railway Labor Act, as amended; and
2. That the Board has jurisdiction over this dispute.

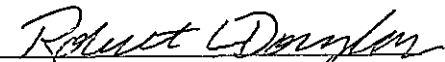
OPINION OF THE BOARD:


The record indicates that the Claimant sought to remain in the disputed position. The record omits any evidence that the Claimant tendered the required bid for the disputed position to the Carrier. The Claimant failed to provide a copy of the document. The record omits any persuasive evidence that the Claimant had sent the document through the United State Mail. In

the absence of such key evidence, the record omits the necessary proof to provide a basis to support the claim.

AWARD:

The Claim is denied in accordance with the Opinion of the Board.

  
Robert L. Douglas  
Chairman and Neutral Member

  
Donald D. Bartholomay  
Employee Member

  
Mark D. Selbert  
Carrier Member

Dated: Nov. 2, 2000