

(J. F. Schrader
PARTIES TO DISPUTE: (
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

- "(1) The carrier violated rules 18,48,and 68 of the TC Agreement dated July 1, 1979 when they dismissed me from service as the result of an investigation held in absentia on July 16,1980 for an alleged violation of the rules on June 30,1980. Although my award notice from the Railroad Retirement Board indicates that I was considered disabled as of June 1, 1980. The carrier for 9 years has refused to provide me with a copy of the current agreement between Conrail and the BRAC - TC and I have had little or no knowledge of the rules of the agreement. At the insistence of my congressman the carrier has agreed,at this time, to provide me with a copy of said agreement. I cannot be held accountable for the rules of the agreement until such time as the carrier obeys said agreement and furnishes me a copy.
- (2) The carrier will now provide me with benefits loss by the dismissal." (sic)

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

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

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

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

The Claim herein, while worded slightly different involves Claim in behalf of the same individual, the same Agreement and arising out of the same occurrence as was involved in Third Division Award 25049.

We do not consider it the intent of the Railway Labor Act, which has as one of its primary purposes, the prompt and orderly settlement of disputes growing out of grievances or out of the interpretation or application of Agreements covering rates of pay or working conditions, that the National Railroad Adjustment Board repeatedly adjudicate the same dispute involving the same Claimant and arising out of the same occurrence, simply because the Claim may be submitted to the Board worded slightly different.


As the Claimant's dispute with the Carrier arising from his insubordination has been adjudicated by Award 25049, the Claim herein will be dismissed. See Third Division Award 24789.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 25th day of May 1990.