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NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 28550  
Docket No. MS-28906  
90-3-89-3-427

The Third Division consisted of the regular members and in addition Referee James E. Mason when award was rendered.

(Eugene Carter II  
PARTIES TO DISPUTE: (  
(National Railroad Passenger Corporation

STATEMENT OF CLAIM:

"Under the Railway Labor Act, Rule I, Sec. 3, Title 45. Carrier acted unjustly and violated claimant; grievant when he was dismissed Aug. 31, 1984."

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 waived right of appearance at hearing thereon.

The Statement of Claim in this Docket was also the Statement of Claim in Case No. 87, Award No. 87 of Public Law Board No. 3577. That Public Law Board ruled that the Carrier did not act improperly in dismissing the Claimant.

This Board has consistently and repeatedly followed the res judicata principle that a matter, once judicially decided, is finally decided. See Third Division Awards 20455, 18315, 18126 and 17058 in support of this principle. Our Award in this case will follow that line of precedent and dismiss the Claim as presented here. It has already been heard and decided.

A W A R D

Claim dismissed.

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NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 27th day of September 1990.