

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

(Diane C. Winsor
PARTIES TO DISPUTE: (
(Elgin, Joliet and Eastern Railway Company

STATEMENT OF CLAIM:

"Whether or not Diane Winsor, Employee No: 74024, has been unjustly denied recall to her job assignment although she has been medically cleared by physicians to return to work."

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 Board has carefully reviewed the record in this Claim. On the basis of this review, we find that the Claimant in this case is the same Claimant involved in Third Division Award 24254. We further find that this Claim is based on identical contentions and facts that were considered by the Board when it rendered Award 24254. Accordingly, we will deny the Claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of January 1992.