

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 32952  
Docket No. MW-33730  
98-3-97-3-54**

**The Third Division consisted of the regular members and in addition Referee Robert Perkovich when award was rendered.**

**(Brotherhood of Maintenance of Way Employees  
PARTIES TO DISPUTE: (  
(CSX Transportation, Inc. (former Louisville &  
( Nashville Railroad Company)**

**STATEMENT OF CLAIM:**

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

- (1) The dismissal of Track Repairman J. Washington for his alleged conduct unbecoming an employee subsequent to July 26, 1995 was without just and sufficient cause and excessive punishment [System File 18(8) (96)/12 (96-685) LNR].**
- (2) Track Repairman J. Washington shall now be reinstated to service with seniority and all other rights unimpaired and he shall be compensated for all wage loss suffered.”**

**FINDINGS:**

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

**The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.**

This dispute is a duplicate of that previously reviewed by the Board in Third Division Award 32490. It involves the same parties, the same Claimant, and the same issue, and is virtually identical to that claim. Thus, its merits will be fully and finally determined by the Board in Award 32490.

We follow the long-standing precedent aptly stated in Second Division Award 12922:

“In keeping with past Awards of the Board which have held that the progression of duplicate claims or grievances covering a like matter is inconsistent with the intent of the Railway Labor Act in providing for the prompt and orderly settlement of disputes growing out of the interpretation or application of agreements covering rates of pay or working conditions, the claim will be dismissed. (See Second Division Awards 12343, 11999, and 11394, and the Awards cited therein.)”

**AWARD**

Claim dismissed.

**ORDER**

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division**

Dated at Chicago, Illinois, this 23rd day of November 1998.