

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33948
Docket No. MS-33949
00-3-97-3-541**

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

**(Ronald Lynn World
PARTIES TO DISPUTE: (
(National Railroad Passenger Corporation (AMTRAK)**

STATEMENT OF CLAIM:

“Claim that:

Fact Note: I was first charged with violation of Rule I-J-K and L on Train 49. Date: March 30, 1983, Certification P 322 114 4862.

Fact Note: National Railroad Passenger Corporation (Amtrak) Discrimination litigation on August 26, 1983. EEOC, agreement concerning the matter of plaintiff and defendant would let plaintiff return back to work.

**Fact Note: Breach of Contract
Prior to reinstatement, all agreement were not honored because of false allegations of defendant, terminated his employment. From July 22, 1976 to May 23, 1983.**

**Fact Note: Check Fraud.
Amtrak never served I, Ronald Lynn World's any alleged investigation nor paper before May of 1983. Amtrak after the fact fired me for check fraud because of Union's Local 43 back pay program of cost of living. (And note) checks that were sent to 7942 S. Champlain, or 32 W. 104th Street from the National Railroad for injury which I never received (were cashed without my written Consent).”**

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.

Claimant was terminated on May 23, 1983 for insubordination, threatening another, and tardiness. His termination was appealed and during the pendency of the appeal he filed an EEOC charge alleging that he had been discharged because of racial discrimination.

During the processing of the charge the Carrier offered to reinstate the Claimant with no back pay or restoration of benefits in return for his withdrawal of his charge. However, the Carrier later learned that the Claimant was under investigation for check fraud when he allegedly cashed a replacement check despite the fact that he earlier cashed the check for which the replacement was issued. Upon learning this information, it withdrew the offer. Subsequently, a handwriting analysis concluded that there was a high probability that both signatures were those of the Claimant and he admitted cashing both checks. The Carrier then terminated the Claimant for this misconduct.

Claimant appealed the termination which was ultimately heard by Public Law Board No. 3577. That Board held in Award 15 that "... there exists in the record clear and convincing evidence sufficient to sustain the charges, ..." and denied the claim. Subsequently the Claimant executed a settlement agreement with the Carrier providing, inter alia, that he release the Carrier from "... any and all claims ... including, but not limited to, any claims arising under any collective bargaining agreement ..." and that he agreed that "... his employment relationship ... has been permanently and irrevocably severed, ..."

As is clear from even a cursory examination of the stated claim, the claim before this Board is the same as that presented to Public Law Board No. 3577. Because that claim was decisively resolved by Public Law Board No. 3577 in Award 15, this Board has no jurisdiction to revisit the matter once more as that earlier resolution is final and binding on the Claimant. In addition, Claimant has voluntarily resolved any doubt that one might have, although we do not share any such doubt, about the disposition of the claim when he executed the Release and Settlement Agreement described above.

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 22nd day of February, 2000.