

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 39367
Docket No. SG-39209
08-3-NRAB-00003-050577
(05-3-577)**

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

PARTIES TO DISPUTE: (
(Brotherhood of Railroad Signalmen
(Union Pacific Railroad Company

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad:

Claim on behalf of J. A. Burkow, for extension of his National Health and Welfare benefits through December 31, 2006, and his dependent benefits extended through December 31, 2005, account Carrier violated the current Signalmen’s Agreement, particularly the currently negotiated National Health and Welfare benefits, when Carrier refused to extend the Claimant’s benefits after he was compensated for service on January 16, 2004, and made his Health and Welfare cost sharing contribution in the amount of \$79.74. Carrier’s File No. 1409049. General Chairman’s File No. UPGCW-H&W-BRS File Case No. 13252-UP.”

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.

The record contains a letter from the Carrier advising that, in addition to the Claimant's resignation on October 31, 2005, he had executed a "Release and Settlement Agreement." The Release and Settlement Agreement irrevocably and unconditionally released and discharged the Carrier from ". . . any and all liabilities, causes of action, claims, actions, or rights, known or unknown, arising from the Claimant's employment, including, but not limited to, any and all claims or rights which the Claimant may have accumulated under any applicable Collective Bargaining Agreement, claims for wages and bonuses, grievances, claims for other compensation of any type arising out of any employment relationship with the Company or its subsidiaries. . . ."

The language of the release agreement is broad, and it clearly absolved the Carrier from all claims and demands arising from the Claimant's employment relationship. In recognition of this broad release, and based upon applicable arbitral precedent in similar situations, (see, for example, Third Division Award 26345 and Second Division Award 12911) this claim must be viewed as moot and is hereby dismissed.

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 21st day of October 2008.