

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24789
Docket Number MW-24996

Paul C. Carter, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Baltimore and Ohio Railroad Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when it dismissed Mr. E. L. Postelwaite without benefit of a fair and impartial hearing as stipulated in Agreement Rule 48(a) (System File NEW-1090/2-MG-3324).

(2) The claimant shall be reinstated with seniority and all other rights unimpaired and he shall be compensated for all wage loss suffered."

OPINION OF BOARD: The claim herein, submitted to the Board by the Brotherhood of Maintenance of Way employees, while worded slightly different, involves claim in behalf of the same individual, the same agreement and arising out of the same occurrence as involved in Award No. 24760.

We do not consider it the intent of the Railway Labor Act, which has as one of its primary purposes, the prompt and orderly settlement of disputes growing out of grievances or out of the interpretation or application of Agreements covering rates of pay or working conditions, that the National Railroad Adjustment Board repeatedly adjudicate the same dispute involving the same claimant and arising out of the same occurrence, simply because the claim may be submitted to the Board through different representation.

As the claimant's dispute with the Carrier arising from his incarceration commencing on October 19, 1981, has been adjudicated by our Award No. 24760, the claim herein will be dismissed. See Award No. 23027.

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

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

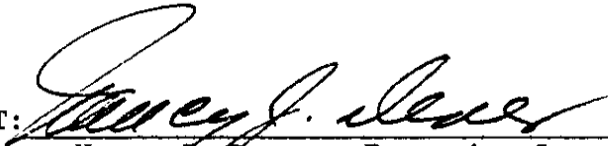
That the claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:



Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of April, 1984.

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