

Form **RECEIVED** NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

JAN - 5 1995

Award No. 30624  
Docket No. SG-30779  
94-3-92-3-578

G. L. HART

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(CSX Transportation, Inc. (former  
( Louisville and Nashville Railroad Company)

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation Co. (Former L&N):

Claim on behalf of the Members of the Division Signal Gang assigned to the K&A Seniority District #3, (Corbin Division), and Headquartered at Corbin, Kentucky. Those members include Signal Foreman J. K. Harrill, ID #187252, Signalmen C. B. Meadors, ID #188266, J. S. Smith, ID #187905, Assistant Signalmen W. H. Smith, ID #187736, and R. L. Burgan, ID #187738. The assigned hours for this gang are from 0700 a.m. until 1600 p.m. Monday through Friday, with Saturday, Sunday, and Holidays as rest days. Their assigned meal period is as stipulated in Rule # 11 of the Agreement.

(a) The Carrier violated and continues to violate the current working Agreement between the former Louisville and Nashville Railroad Company and its employees represented by the Brotherhood of Railway Signalmen, as amended, particularly, Appendix "U", when they fail to rectify the condition of the Headquarters of the Division Signal Gang.

(b) For this violation, the Carrier should now be required to compensate Signal Foreman J. K. Harrill, an amount equal to three (3) hours pay per day, for each day of violation. To each of the other members of the Gang, an amount equal to two (2) hours pay per day, for each day of violation, beginning sixty (60) days prior to the filing of this claim.

(c) These amounts should be continued to be paid in the future so long as the Carrier continues these violations and this claim should be considered as a continuing claim."

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 waived right of appearance at hearing thereon.

The instant claim is the third exposure this Board has had to allegations of the Organization that its Agreement was violated because Carrier failed to provide adequate locker and clean-up facilities for signal crews. (See Third Division Awards 29553 and 29554.)

In this docket Carrier maintains that the claims that were initially filed were withdrawn and later resubmitted. The Organization is not privileged to resubmit a withdrawn claim to this Board, it is argued. With this the Board agrees. Claims that are withdrawn are settled and the same claim cannot be resubmitted to this Board for adjudication. (See First Division Awards 5342 and 5345.)

The facts available conclusively demonstrate that the claims in this docket were withdrawn and later refiled. When a claim is withdrawn the matter is settled and it may not be refiled as a new claim. Because of this, the matter must be dismissed.

AWARD

Claim dismissed.

O R D E R

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

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NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Dated at Chicago, Illinois, this 28th day of December 1994.