

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31988
Docket No. MS-32593
97-3-95-3-504**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

**(Gregory Smith
PARTIES TO DISPUTE: (
(Norfolk and Western Railway Company**

STATEMENT OF CLAIM:

“Claim on behalf of G. Smith for reinstatement to service with my rights and benefits unimpaired and with compensation for all time lost, beginning November 25, 1992, account Carrier violated the current Signalmen’s Agreement, particularly the Training Agreement, when it dismissed me despite not providing the required training within the time established under the Agreement. Carrier’s File No. SG-ROAN-93-2. BRS File Case No. 9326-N&W.”

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.

Although Hearing was requested before this Board and set for November 7, 1996 and after Claimant requested a postponement of that Hearing causing a rescheduling

of the Hearing to February 4, 1997, Claimant did not appear for Hearing before this Board.

This claim was previously decided by Public Law Board No. 5622, Award 20 adverse to Claimant's position. Therefore, this Board has no jurisdiction to consider this claim. Second Division Award 12148; Third Division Award 22736; Fourth Division Award 1339.

The claim is 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 6th day of May 1997.