

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33649
Docket No. SG-33974
99-3-97-3-489**

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

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Seaboard Coast Line
(Railroad Company)**

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation Company (former Seaboard Coast Line):

Claim on behalf of D.A. Doring for payment of the difference between the Electronic Specialist rate and the Assistant Signalman rate for all hours worked, beginning July 22, 1996, and continuing until the Claimant is allowed to exercise his rights to displace onto an Electronic Specialist position, account Carrier violated the current Signalmen’s Agreement, particularly Rule 34, when it denied the Claimant the right to exercise his seniority rights in the Electronic Specialist classification after he was demoted from a management position. Carrier’s File No. 15(96-218). General Chairman’s File No. SCL/102/96. BRS File Case No. 10262-SCL.”

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 promoted from an Electronic Signal Specialist to a position of Signal Supervisor, a position he held for approximately four years. When he was demoted from the supervisory position he attempted to displace back into an Electronic Signal Specialist position. However, the Carrier refused to permit him to do so, contending that inasmuch as the two positions involved essentially the same type of work, because the Claimant was not qualified for one, he was therefore not qualified for the other. In addition, the Carrier contended that under the parties' Agreement it had the unfettered right of selection.

The record shows that well after the facts giving rise to the dispute and after the matter was processed to the Board, the Claimant and the Carrier entered into an agreement that included a release by the Claimant of any rights that he had or might have had against the Carrier. As a result of the release (and we see no reason why the release should not be deemed binding) the Board concludes that the Claimant terminated the viability of his claim and removed it from the Board's jurisdiction. Thus, the claim is dismissed as moot. See Third Division Awards 20832, 26470 and 29408.

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 16th day of November 1999.