

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 42563
Docket No. SG-43170
17-3-NRAB-00003-150402**

The Third Division consisted of the regular members and in addition Referee Roger K. MacDougall 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 R.S. Bushong, for reinstatement and payment for all time lost, including overtime, beginning on May 6, 2014, and continuing until this dispute is resolved, account Carrier violated the current Signalmen’s Agreement, particularly Rule 52, when, upon the Claimant’s release to return to work without any restrictions, Carrier placed numerous unwarranted medical restrictions on him without having conducted any medical examination, disqualified him from service, and then refused to schedule a re-examination as provided for in the Agreement. Carrier’s File No. 1607230. General Chairman’s File No. UPGCW-52-1855. BRS File Case No. 15170-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.

At the Hearing in this matter, the parties advised that they had reached a resolution of this case. As the Railway Labor Act gives the Board authority to hear disputes between parties, and there no longer being a dispute in this matter, the Board ceases to have authority and must dismiss this case.

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 March 2017.