

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 42602
Docket No. SG-42392
17-3-NRAB-00003-160119

The Third Division consisted of the regular members and in addition Referee Andria S. Knapp when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(BNSF Railway Company)

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the BNSF Railway Company:

Claim on behalf of J. F. Kant, for immediate assignment to a Signalman’s position on the Kansas Seniority District based on his bidding preferences relating to the positions advertised by bulletin S1204-A, account Carrier violated the current Signalmen’s Agreement, particularly Rule 41, when, on April 16, 2012, it did not assign him to one of the Signalman positions advertised by said bulletin. In addition, Carrier should be compelled to provide the Claimant a seniority date of April 16, 2012, on the Kansas Seniority District roster, as well as the compensation provided for in Rule 41 beginning 15 days from April 16, 2012, the date of bulletin S1204-A’s Assignment Notice, and continuing until this dispute is resolved. Carrier’s File No. 35-12-0035. General Chairman’s File No. 12-024-BNSF-119-D. BRS File Case No. 14898-BNSF.”

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.

This case presents the exact same issue involving the same Claimant as was presented in Third Division Award 42601, only for a different set of bids on the Kansas Seniority District that he was denied. The Board disposed of the issue in Claimant's favor in the preceding case. In the absence of any new evidence or argument, the matter is moot and no further proceedings are required. The Claimant having already been awarded a remedy, he is not entitled to a further remedy.

AWARD

Claim dismissed.

ORDER

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

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 19th day of April 2017.