

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 42604
Docket No. SG-42404
17-3-NRAB-00003-160121**

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 C. Fischer, for immediate assignment to a Signalman’s position on the Seattle Seniority District based on her bidding preferences relating to the positions advertised by bulletin S1205-B, account Carrier violated the current Signalmen’s Agreement, particularly Rule 41, when, on June 1, 2012, it did not assign her to one of the Signalman positions advertised by said bulletin. In addition, Carrier should be compelled to provide the Claimant a seniority date of June 1, 2012, on the Seattle Seniority District roster as well as the compensation provided for in Rule 41 beginning 15 days from June 1, 2012, the date of bulletin S1205-B’s Assignment Notice, and continuing until this dispute is resolved. Carrier’s File No. 35-12-0045. General Chairman’s File No. 12-037-BNSF-156-CA. BRS File Case No. 14899-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 42603, only for a different set of bids on the Seattle Seniority District that she 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, she 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.