

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 42897  
Docket No. MS-43561  
18-3-NRAB-00003-160338**

The Third Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

(David P. Carden

**PARTIES TO DISPUTE:** (

(Norfolk Southern Railway Company

**STATEMENT OF CLAIM:**

“Claim on behalf of D.P. Carden, for reinstatement of his former position with all seniority and benefits unimpaired, compensation for all time lost, including overtime, and any mention of this matter removed from his personal record, account Carrier violated the current Signalman’s Agreement, particularly Section VIII – Waiver/Discipline Rule, when it issued the harsh and excessive discipline of dismissal against the Claimant without providing a fair and impartial investigation and without meeting its burden of proving the charges in connection with an Investigation held on January 22, 2015. Carrier’s File No. SG-BHAM-14-108. General Chairman’s File No. SJGC-15-05-W. BRS File Case No. 15405-NS.”

**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 October 20, 2017, hearing of the Board in this case, the parties advised this Board that they have decided to settle this matter and dismiss this case. Therefore, the Board finds that the claim must be dismissed.

**AWARD**

Claim dismissed.

**ORDER**

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Petitioner(s) not be made.

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

Dated at Chicago, Illinois, this 10th day of January 2018.