

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 43882  
Docket No. SG-45220  
20-3-NRAB-00003-180701**

The Third Division consisted of the regular members and in addition Referee Patricia T. Bittel when award was rendered.

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

**STATEMENT OF CLAIM:**

**“Claim on behalf of D. Curtis, J.I. DeWitt, J.R. Dykstra and T.J. Hight, for 224 hours to be divided evenly at their respective overtime rates of pay, account Carrier violated the current Agreement, particularly Item 3 of the 2014 Rules Update Agreement, when from February 8-11, 2017, it utilized an off district crew to perform maintenance work of removing snow from switches and detectors and repairing slide detectors from Milepost 1165 working eastward, on the Hi-line subdivision of the Billings District, thereby denying the Claimants the opportunity to perform work reserved to them under the Agreement and opportunity to earn the wages associated with the performance thereof. Carrier's File No. 35-17-0033. General Chairman's File No. 17-025-BNSF-87-B. BRS File Case No. 15869-BNSF. NMB Code No. 172.”**

**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.

Insofar as the Parties have negotiated a settlement of this case, it is now moot and the claim is dismissed.

**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 28th day of January 2020.