

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 44796  
Docket No. SG-46211  
22-3-NRAB-00003-200620**

**The Third Division consisted of the regular members and in addition Referee Joseph M. Fagnani when award was rendered.**

**PARTIES TO DISPUTE: (**  
**(Brotherhood of Railroad Signalmen**  
**(Consolidated Rail (Shared Assets)**

**STATEMENT OF CLAIM:**

**“Claim on behalf of T. Simpson, for placement on Position S5318 along with compensation of 182 hours at his respective time and one-half rate of pay and his original seniority date restored; account Carrier violated the current Signalmen’s Agreement, particularly Rule 2-C-1(b), Appendix B, and Appendix S Reference 17, when on March 22, 2019, Carrier denied the Claimant his displacement rights and removed his seniority. Carrier’s File No. C-19-CR-057-1. General Chairman’s File No. C-19-CR-057-1. BRS File Case No. 16205-CR(SA). NMB Code No. 117.”**

**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.**

**The Board was supplied with a copy of a Settlement and Final Release which the Claimant entered into with the Carrier on November 18, 2021, after the above claim was filed with the Board, which contained the following language:**

**“Releasor [Claimant] further intends that this Release shall operate so as to fully discharge Releasees [Carrier], and each of them, from any and all claims or demands, known or unknown, arising directly or indirectly from Releasor’s employment with Releasees, or any of them, including, but not limited to any claims or demands related to wages, salary, bonuses, commissions, stock, stock options, fringe benefits and expense reimbursement\*\*\*any claims pursuant to the Railway Labor Act and any other claims\*\*\*including but not limited to any pending labor grievances.”**

**This Board has consistently recognized that an employee is bound by such a settlement and release, and that in face of such a settlement and release the disputes coming thereunder are deemed to be adjusted and this Board has no jurisdiction. It is not necessary for the Board to deal with the substantive issues raised in this case, as the issue has become moot and will be 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 19<sup>th</sup> day of September 2022**