

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 44799
Docket No. SG-47047
22-3-NRAB-00003-210607**

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

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

STATEMENT OF CLAIM:

“Claim on behalf of T. Simpson, for reinstatement to his former position with all seniority and benefits unimpaired, compensation for all lost wages, including overtime, and any mention of this matter removed from his personal record, account Carrier violated the current Signalmen’s Agreement, particularly Rule 6 — DISCIPLINE, when it issued the harsh and excessive discipline of dismissal to the Claimant, without providing him a fair and impartial Investigation and without meeting its burden of proving the charges in connection with an Investigation held on June 16, 2020. Carrier’s File No. CRS-0043-20D. General Chairman’s File No. D-20-CR-057-1. BRS File Case No. 16475-CR(SA). NMB Code No. 119.”

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 27th day of September 2022.