

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 45308
Docket No. MW-47703
24-3-NRAB-00003-221132**

The Third Division consisted of the regular members and in addition Referee Erica Tener when award was rendered.

**(Brotherhood of Maintenance of Way Employees Division –
(IBT Rail Conference**

PARTIES TO DISPUTE: (
(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

(1) The Agreement was violated when the Carrier wrongfully force assigned Electric Welder K. Schneider to work overtime in conjunction with derailment repairs in the East Deerfield Yard near Mile Post 384, on September 7 through 2:00 A.M. September 8, 2021, without first fully exhausting the terms of Article 10.4(a-d) and exhausting all qualified employees in inverse seniority order as required in Article 10.4(e) (System File S-2110P-104/MW-22-01 STR).

(2) As a consequence of the violation referred to in Part (1) above, Claimant K. Schneider shall now be compensated five hundred dollars (\$500.00) penalty due to the Carrier’s wrongful force assignment of overtime work.

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.

Prior to oral argument with respect to this case, the parties agreed that the listed claim had been settled on the property. Consequently, this case shall 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 29th day of August 2024.