

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers  
(Burlington Northern Railroad Company

STATEMENT OF CLAIM:

1. That in violation of the controlling Agreement, Electrician Mike Crouch of Alliance, Nebraska was unjustly harassed to the point where his health was affected by a Carrier Supervisor on September 6, 1987.

2. That the Carrier failed to correct the matter, thus compounding the problem.

3. That accordingly, the Carrier be instructed to correct the problem created by Supervisor Dan Agler, rather than diminishing the problem by pretending it does not exist.

FINDINGS:

The Second Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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 waived right of appearance at hearing thereon.

On October 12, 1987, the Organization submitted a grievance relating to a disagreement between Claimant and an Assistant Foreman. This grievance was the subject of a conference attended by all parties involved. The conference concluded with an understanding that matter was considered settled and closed. This understanding was memorialized in a letter from Carrier's Chief Mechanical Officer to the Organization's Local Chairman dated December 1, 1987. On January 11, 1988, the October 12, 1987, grievance was appealed to Carrier's Highest Designated Officer, with subsequent appeal to this Board.

Examination of the record submitted to this Board develops that the matter is moot, having been settled at the on the property conference between Carrier and the Organization, with Claimant and the Assistant General Foreman in attendance. Accordingly, there is no matter before this Board on which an Award can be made.

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Award No. 12002  
Docket No. 11771  
91-2-89-2-63

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 20th day of February 1991.