

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12096
Docket No. 11974
91-2-90-2-82

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/ Division of TCU
(
(Southern Railway Company

STATEMENT OF CLAIM:

1. That the Southern Railway Company violated the terms of the current Agreement, specifically Rule 56, on January 25, 1989 when they deliberately removed the heat source on Track #6, Hayne Car Shop, Spartanburg, South Carolina.

2. That the Southern Railway Company now be ordered to supply heat consistent with the heat source available on Track #6, Hayne Car Shop, Spartanburg, South Carolina.

FINDINGS:

The Second 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 employees 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.

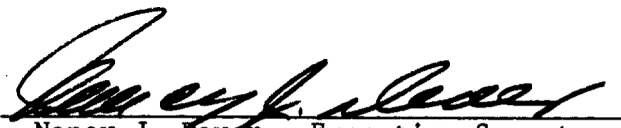
The essential facts show that the Carrier removed heaters located on Track No. 6 at the Hayne Shop. Track six is an open work area with only a roof for protection.

While there are a number of question raised in this case, especially with respect to how this matter was handled, the record also shows that heaters now have been reinstalled. It appears that the general situation and conditions with respect to the availability of adequate heat for workers on Track No. 6 are about the same as before. The Claim, therefore, is moot.

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 24th day of July 1991.