

CORRECTED

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13097

Docket No. 12984

97-2-95-2-5

The Second Division consisted of the regular members and in addition Referee Robert L. Hicks when award was rendered.

(Brotherhood of Railway Carmen, Division of the
(Transportation Communications International Union

PARTIES TO DISPUTE: (

(Terminal Railroad Association of St. Louis

STATEMENT OF CLAIM:

"1. That the TRRA of St. Louis violated the controlling Agreement of August 21, 1954, as subsequently amended, when on August 10, 1993, Carman M. M. Walz was unjustly dismissed from service as a result of formal investigation held on July 20, 1993.

2. That the TRRA of St. Louis be ordered to return Carman M. M. Walz to full service with payment for all lost wages, restoration of all seniority rights unimpaired and all fringe benefits, including, but not limited to vacation, insurance and all other benefits which are a condition of employment."

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 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 parties in this dispute are identical to the parties in Second Division Award 13095.

Claimant was the subject of two Investigations, and was dismissed following each Investigation.

In Second Division Award 13095, Carrier's determination to dismiss Claimant was upheld. Therefore, the issue of whether Carrier's action was proper in this dispute in dismissing Claimant for the second time is now moot.

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 Second Division

Dated at Chicago, Illinois, this 21st day of January 1997.