

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13256

Docket No. 12946

98-2-94-2-97

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

**(International Association of Machinists and
(Aerospace Workers, AFL-CIO
PARTIES TO DISPUTE: (
(Union Pacific Railroad Company**

STATEMENT OF CLAIM:

"DISPUTE - CLAIM OF EMPLOYEES

1. That the Union Pacific Railroad Company violated Rule 32 of the current Controlling Agreement between the International Association of Machinists and Aerospace Workers, and the Missouri Pacific Railroad Company, dated June 1, 1960, subsequently revised and amended, when on December 15, 1993, Machinist K. J. Straub (hereinafter referred to as claimant) was assessed with fifteen (15) days deferred suspension as a result of investigation held on November 16, 1993.

2. That the Carrier expunge the assessed discipline and remove from Claimant's personal record file all information pertaining to this dispute."

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.

Following an investigative Hearing, the Claimant was assessed a 15-day deferred suspension. The Board is advised that the Claimant is now deceased; further, the Board has no information as to whether the Claimant was required to serve the suspension because of some later disciplinary offense.

Under these circumstances, the Board finds the claim moot. In so finding, the Board takes no position as to the merit of the claim.

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 18th day of May 1998.