

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 13858
Docket No. 13740
05-2-04-2-17

The Second Division consisted of the regular members and in addition Referee Marty E. Zusman when award was rendered.

(Brotherhood Railway Carmen Division
(Transportation Communications International Union

PARTIES TO DISPUTE: (

(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

- “1. The Springfield Terminal Railway Company violated the terms of our current Agreement, in particular Rule 2.1(a), (b), (j) and (q) when they arbitrarily abolished Carmen positions at East Deerfield, MA. And simultaneously advertised and awarded these positions to Utility Trainmen.
2. That, accordingly, the Springfield Terminal Railway Company be required to compensate R. K. Barnes, C. R. Ilnicky and R. G. Sibley in the amount of eight (8) hours pay at the overtime rate, for each day this inequity continues.”

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.

Given that the parties have now withdrawn this issue from consideration, the Board finds the instant case moot. The claim is therefore 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 Second Division**

Dated at Chicago, Illinois, this 27th day of July 2005.