

The Carrier contends all sixteen positions are assigned and so no vacancies exist. Also, the Carrier asserts that though some of the assigned crew members are ill or refuse to work when called, these workers still retain their position.

We note from the evidence presented in the record that, in 1980 and 1981 (subsequent to the filing of this claim), the Carrier did bulletin and award several positions on the Cumberland assigned wrecking crew after one member had died and two others had resigned their positions. Currently, all sixteen positions on the Cumberland assigned wrecking crew are held by carmen engaged in active service. These subsequent events render this claim moot. The claim, in its present posture is no longer a viable controversy. See Second Division Awards No. 6143 (McGovern) and 8394 (Scearce).

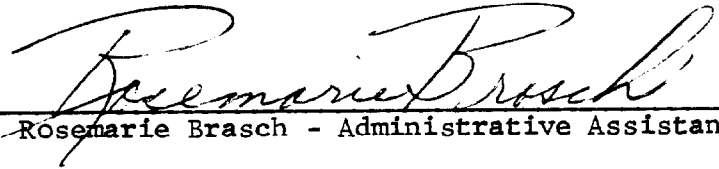
The Organization also contends that the Carrier did not timely deny its appeal of this claim to the Manager of Labor Relations within the limits set forth in Article V of the January 1, 1955 Agreement. Though the record discloses that the Carrier did not timely deny the appeal, we cannot sustain the claim because the subsequent filling of positions on the Cumberland crew has rendered the underlying claim moot.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 16th day of June, 1982.