

Award No. 11095

Docket No. CL-13464

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

ILLINOIS CENTRAL HOSPITAL DEPARTMENT

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that (GL-5200) that:

(a) The Illinois Central Hospital Department violated rules of the agreement between the parties in the treatment accorded employee Mr. Everett Johnson, porter, when Management dismissed him from the service effective May 20, 1961.

(b) Mr. Johnson's record be cleared of the charges preferred against him by Superintendent Baker on May 5, 1961, and that he be reinstated to the service with seniority and all other employment rights restored and be compensated for all wage losses sustained retroactive to May 4, 1961.

OPINION OF BOARD: A case identical to the confronting dispute was submitted to the Fourth Division, National Railroad Adjustment Board, and disposed of by that Division in Award No. 1743, Docket No. 1741. Therefore, the issue raised in Third Division Docket CL-13464 is now moot and the claim will be dismissed.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934; and

That the claim will be dismissed.

AWARD

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION**

**ATTEST: S. H. Schulty
Executive Secretary**

Dated at Chicago, Illinois, this 31st day of January, 1963.