

NATIONAL RAILROAD ADJUSTMENT BOARD**THIRD DIVISION**

PARTIES TO DISPUTE:**A. L. PIERCE****ATCHISON, TOPEKA & SANTA FE RAILWAY**

STATEMENT OF CLAIM: The question involved in this matter, pertains to my being discharged from service for being insubortant, on April 30, 1964, under the most horrible working conditions, plus negligent supervision. Also, neither company nor the Union have notified me in writing, the outcome of the hearing that was held at the Santa Fe Commissary on May 21, 1964, which is in violation to agreement between Union and Company. A copy of this brief is being forwarded to Mr. B. R. Golt, Supervisor of Personnel, Santa Fe Commissary 2014 South Wentworth Avenue, Chicago, Illinois.

OPINION OF BOARD: The Petitioner has completely failed to furnish any factual proof of any violation of the Agreement. It naturally follows that any effort on our part to determine the rights of the subject parties would be a futile one. For the foregoing reason the claim must be dismissed.

Accordingly there is no need to pass upon the procedural issues raised by the Carrier.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That, from the record, we are unable to make a finding as to whether Carrier violated the Agreement.

AWARD

Claim is dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION****ATTEST: S. H. Schulty**
Executive Secretary

Dated at Chicago, Illinois, this 20th day of April 1966.