

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22713
Docket Number SG-22755

John J. Mangan, Referee

PARTIES TO DISPUTE: ((Brotherhood of Railroad Signalmen
(St. Louis-San Francisco Railway **Company**)

STATEMENT OF CLAIM: "Claim of the **General** Committee of the Brotherhood of Railroad Signalmen on the St. Louis-San Francisco Railway Company:

In behalf of Signal Maintainer **H. R. Hendrix**, New Albany, Mississippi, for vacation pay of five (5) days, November 21 through 25, 1977, as assigned by vacation bulletin; and eight (8) hours for holiday pay for **November 24, 1977 -- this** to be paid at the straight time rate of pay."
/Carrierfile: D-95701

OPINION OF BOARD: The factual situation in this case is reasonably clear. Claimant was scheduled to take one (1) week of his **annual** vacation from November 21 to and including November 25, 1977. On November 18, 1977, following a disciplinary investigation, claimant was required to serve a ten (10) day disciplinary suspension which embraced the period November 18 to December 5, 1977.

As a consequence of the disciplinary suspension, claimant's vacation period (November 21 to 25) was deferred and granted to him from December 12 to December 16, 1977.

The gist of this dispute is that claimant alleges that he is entitled to payment at the straight time rate for the period "November 21 through 25, 1977, as assigned by vacation bulletin, and eight (8) hours for holiday pay for November 24, 1977 * * *."

We are advised by petitioner that the disciplinary suspension which precipitated this dispute was appealed and progressed to this Board for adjudication. We have taken judicial notice of Award **No.** 22597 of this Division which resolved the disciplinary suspension dispute in favor of the claimant and **we** see that the Statement of Claim in Award **No.** 22597 asked for:

"* * * compensation for all time lost between 4:00 p.m. November 18, 1977, and 8:00 a.m. December 5, 1977, when he returned to work, straight **time** rate for all regular assigned hours missed, 8 hours for holiday pay on

"**November** 24, 1977 at straight time rate, plus all **over-**
time which was performed on his assigned territory, at
overtime rate, between 4:00 p.m. **November** 18, 1977, and
8:00 a.m. December 5, 1977."

The decision in Award No. 22597 was simply "Claim sustained".

It appears, therefore, that the instant dispute is moot. We have
no alternative but to dismiss it.

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;

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

That the dispute is moot.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A. W. Paulose*

Executive Secretary

Dated at Chicago, Illinois, this 11th day of January 1980.