

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26170
Docket Number MW-26116

John E. Cloney, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(The Chesapeake and Ohio Railway Company (Southern Region)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

1. The Carrier violated the Agreement when it assigned and used L. D. Wallen instead of cut-back Machine Operator E. C. Dorton to fill a temporary vacancy as Class 'A' Machine Operator at Martin on March 7, 10, 11, 14, 16, 17, 18, 21, 23, 25 and 31, 1983 (System File C-TC-1806/MG-4033).

2. Cut-back Machine Operator E. C. Dorton shall be allowed the difference between what he would have received at the Class 'A' machine operator's rate and what he was paid at the trackman's rate on the claim dates referred to in Part (1) hereof."

OPINION OF BOARD: The Board has been administratively advised that the parties have now settled this dispute on the property.

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

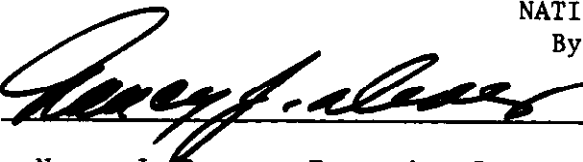
That the Claim is moot.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 29th day of October 1986.