

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26269
Docket Number MW-26146

Marty E. Zusman, Referee

(Brotherhood of **Maintenance** of Way Employes

PARTIES TO DISPUTE: (

(The Chesapeake and Ohio Railway Company
(Southern Region)

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

(1) The discipline (Appendix '**B**' letter dated September 21, **1983**) imposed upon **Trackman** B. H. Myers, III for alleged absence without authority on September 12, 13, 14, 15 and 16, 1983 was arbitrary, capricious and unwarranted (**System** File C-M-1967/MG-4304).

(2) The Appendix '**B**' letter mentioned in Part (1) hereof shall be removed from the claimant's record."

OPINION OF BOARD: After a careful review of the Memorandum of Agreement, Appendix "**C**", and the December 21, **1978**, Letter Agreement, this Board will forego a discussion of and a determination of merits. The above referenced Appendix "**C**" and Letter Agreement taken together indicate that the Organization's requested remedy as per Part (2) of the Claim has already occurred. A complete reading of the on-property record as well as the **Ex Parte** Submissions and Rebuttals convinces us that the Claim before this Board is of no consequence.

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 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 the Claim is moot.

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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 20th day of March 1987.