

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26377
Docket Number MW-25959

Eckehard **Muessig**, Referee

(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(Southern Pacific Transportation Company (Eastern Lines)

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

(1) Because of the unjust treatment experienced by Laborer R. L. **McGuire**, he shall be issued a letter by the Carrier **to** the effect that he was unjustly treated by Foremen **H. Jackson** and **W. Turner**."

OPINION OF BOARD: The Board has thoroughly reviewed the Submissions of the parties and, on the basis of the evidence properly before **us**, we find **no legitimate** basis to set aside the Carrier's basic determination that the Claimant was no: unjustly treated as he has alleged. Moreover, we **note** that the **Claimant** was dismissed from the **Carrier's service on November 3, 1983**. **Subsequently**, the dismissal was upheld in Award No. 4 of Public Law Board No. 3626. Accordingly, the Claim is moot and is 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;

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. Bever - Executive Secretary

Dated at Chicago, Illinois, this 25th day of June 1987.