

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 32034
Docket No. CL-32750
97-3-95-3-475**

The Third Division consisted of the regular members and in addition Referee Elizabeth C. Wesman when award was rendered.

**(Transportation Communications International Union
PARTIES TO DISPUTE: (
(Western Weighing & Inspection Bureau**

STATEMENT OF CLAIM:

"Claim of the System Committee of the Organization (GL-11169) that:

- 1. The Bureau violated Rules 5 and 9, of the controlling agreement when it failed to properly bulletin and abolish the Position to which it assigned Mr. D. C. Holmes.**
- 2. The Bureau shall now be required to pay Mr. D. C. Holmes forty eight (48) hours at pro rata rate of the position he worked from January 16, 1995 through March 17, 1995."**

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The question to be decided herein concerns whether the Bureau properly bulletined and abolished the position to which it assigned the Claimant or whether it was correctly filled on a temporary basis.

The Board has reviewed the record and determined that the merits have become moot because the Bureau officially went out of business on September 29, 1995 leaving no entity available for resolution of the alleged violation. Notwithstanding the foregoing, application of the facts in this record to the Rules cited fails to support a conclusion that the Rules were violated. Accordingly, we conclude that the Agreement was not violated.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 6th day of May 1997.