

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 36215
Docket No. MW-36522
02-3-01-3-1

The Third Division consisted of the regular members and in addition Referee Ann S. Kenis when award was rendered.

(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(Union Pacific Railroad Company (former Chicago and
(Northwestern Transportation Company)

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The dismissal of Mr. E. A. Hoskins on September 29, 1999 for allegedly being absent without proper authority was arbitrary, capricious, without just and sufficient cause and in violation of the Agreement (System File 9KB-6591T/1215142 CNW).
- (2) As a consequence of the violation referred to in Part (1) above, Mr. E. A. Hoskins shall now be reinstated with all rights unimpaired and be compensated for all losses caused by the Carrier’s improper termination.”

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.

Pursuant to a properly executed "Release and Settlement Agreement" provided to the Board evidencing that, upon the death of the Claimant, all claims against the Carrier have been released, the instant claim is hereby dismissed.

AWARD

Claim dismissed.

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 24th day of September 2002.