

Award No. 14806
Docket No. TE-14395

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)

GULF, COLORADO AND SANTA FE RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Gulf, Colorado and Santa Fe Railway, that:

1. Carrier acted in an arbitrary and discriminatory manner when it assessed the personal record of Telegrapher R. W. McBride with 30 demerit marks on February 26, 1963.
2. Carrier shall be required to clear Mr. McBride's record of 30 demerit marks.

OPINION OF BOARD: Inasmuch as the Carrier's action of dismissing Claimant McBride in a subsequent disciplinary proceeding was sustained by this Board in Award 14248 the issue in the present case has become moot. Accordingly, the claim will be 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 Employee involved in this dispute are respectively Carrier and Employee 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;

That the claim will be dismissed.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of September 1966.

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