

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24908  
Docket Number CL-24826

Paul C. Carter, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employes  
(  
(Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9676)  
that:

(a) Carrier violated the provisions of the current Clerk's Agreement at Barstow, California, when it removed Mr. R. G. Palmer from service as a result of a formal investigation held on May 19, 1981, and

(b) Mr. R. G. Palmer shall now be returned to Carrier service and paid for all loss of wages and benefits commencing on or about May 19, 1981.

OPINION OF BOARD: The claimant herein had, prior to the occurrence giving rise to the dispute herein, been dismissed from Carrier's service on May 1, 1980. The prior dismissal was appealed in the usual manner on the property, and at the time of the occurrence giving rise to the present dispute, was pending before this Board as Docket No. CL-24154.

On November 24, 1983, Award No. 24552 was issued on Docket No. CL-24154. In that award the dismissal of claimant was upheld and the claim that he be restored to Carrier's service and paid for all wages and benefits commencing May 1, 1980, was denied.

Award No. 24552 was a final decision terminating claimant's employment relationship with the Carrier. Under the circumstances, we consider the present claim moot, and it will accordingly 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 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 barred.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
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Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 30th day of July 1984.