

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26377
Docket Number MW-25959

Eckehard Muessig, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(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 not 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 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; 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.