

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26472

Docket Number MS-27225

Paul C. Carter, Referee

PARTIES TO DISPUTE: (Jeffrey Blank
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"Jeffrey Blank, formerly an employee of Consolidated Rail Corporation, brings this appeal to the THIRD DIVISION pursuant to the National Railroad Adjustment Board Rules of Procedure set forth in Circular No. 1 (issued November 10, 1934). Notice of his intention to make an Ex Parte Submission was given to the Board April 28, 1986, setting forth the submission intended to address the question whether Mr. Blank's discharge was a lawful or proper.

This results from Mr. Blank's dismissal as imposed by the carrier in letter dated August 16, 1985, following trial held on August 8, 1985. The claim was submitted to Special Board of Adjustment No. 976; and in System Dockets No. CR-1810-D and CR-1811-D (Awards Nos. 5 and 7) was denied."

OPINION OF BOARD: The record shows that the Claimant herein was involved in three separate and distinct disciplinary Hearings. Two of the Hearings resulted in the discipline of dismissal in each case, and one resulted in a seven-day suspension.

The two dismissal cases were progressed on the property in accordance with the provisions of the Railway Labor Act, and submitted to Special Board of Adjustment No. 976. On March 21, 1986, that Special Board of Adjustment rendered its Award Nos. 5 and 7, denying Claimant's appeals of discipline dismissals.

The Awards of Special Board of Adjustment No. 976 were final and binding on all parties, including the Claimant. The Awards constituted final decisions in the termination of Claimant's employment relationship with the Carrier. Those Awards are not subject to attack in proceedings before this Board.

As Claimant's employment relationship with the Carrier has been terminated, the present Claim is moot and 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 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

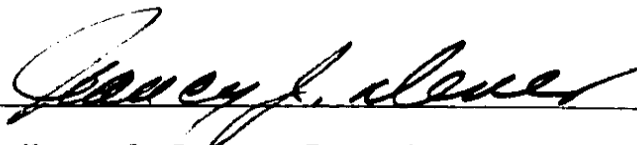
That the Claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: _____



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 9th day of September 1987.