

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26694
Docket Number MW-26663

Peter R. Meyers, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Union Pacific Railroad Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
that:

(1) The Carrier violated the Agreement when it promoted junior extra gang laborers J. J. Franco and R. D. Perez to sectionmen's positions ahead of Mr. E. A. Gregory III (System File M-41/013-210-20).

(2) As a consequence of the aforesaid violation Mr. E. A. Gregory III shall be afforded a Group 17 seniority date of December 5, 1983 on Seniority District 60171, he shall be ranked immediately ahead of Mr. Franco on the Sectionmen Seniority Roster for said district and he shall be compensated for all wage loss suffered beginning sixty (60) days retroactive from July 13, 1984 and continuing until such time as the violation is corrected."

OPINION OF BOARD: The Board has been presented with a release executed by the Claimant on May 26, 1987, which fully releases the Carrier from any and all Claims, causes of action, and liabilities of any kind or nature arising out of his employment with the Carrier. Hence, given that the Claimant has fully released the Carrier from all liability, there is nothing for this Board to decide, and the Claim is hereby dismissed.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees 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

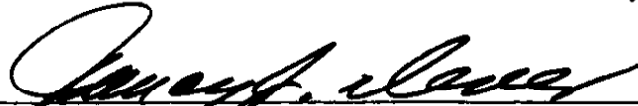
That the Claim is moot.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Beyer - Executive Secretary

Dated at Chicago, Illinois this 23rd day of November 1987.