

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

(R. E. Hanson  
PARTIES TO DISPUTE: (  
(Burlington Northern Railroad Company

STATEMENT OF CLAIM:

"1. The Burlington Northern admittedly violated our Collective Bargaining Agreement by hiring an outside contractor to perform work (fencing) which has historically belonged to the Maintenance of Way Employees.

2. The claimant (R. E. Hanson) be awarded group 2 pay from April 7, 1985 until May 31, 1985, the time outside contractor performed claimants work."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

On March 28, 1986, the Claimant gave notice to the Board of his intention to submit a dispute concerning contracted-out work which allegedly "historically belonged to the Maintenance of Way Employees." On March 2, 1987, however, the Claimant signed a form entitled "Release of All Claims" which released and discharged the Carrier "from all claims and liabilities of every kind or nature." This release was made in connection with a monetary settlement to the Claimant.

Under these circumstances, the claim herein is moot, and the Board need not review its merits and the response of the Carrier thereto.

A W A R D

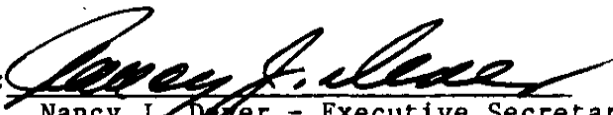
Claim dismissed.

Form 1  
Page 2

Award No. 27488  
Docket No. MS-27016  
88-3-86-3-201

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 22nd day of September 1988.