

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 29768  
Docket No. SG-29546  
93-3-90-3-485

The Third Division consisted of the regular members and in addition Referee John B. LaRocco when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(National Railroad Passenger Corporation  
(AMTRAK)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the National Rail Passenger Corporation (AMTRAK):

Case No. 1

'Claim on behalf of A. W. Evens, for placement of his name on Seniority District No. 3 Roster, at the #56 position, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, Rule 9 (c), when it did not give him a Maintainer-Signalman date but only gave him a date of Signalman on the 1989 Seniority Roster.' Carrier file NEC-BRS-SD-381. BRS Case No. 8065-AMTRAK.

Case No. 2

'Claim on behalf of B. J. Skolyak, for placement of his name on Seniority District No. 3 Roster, at the #57 position, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, Rule 9 (c), when it did not give him a Maintainer-Signalman date but only gave him a date of Signalman on the 1989 Seniority Roster.'" Carrier file NEC-BRS-SD-382. BRS Case No. 8066-AMTRAK.

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 employes involved in this dispute are respectively carrier and employe 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.

This case is the consolidation of two claims. In both claims, Claimants seek a change in their relative mechanic class seniority ranking which appeared on the Philadelphia South Division Seniority Roster published in 1989.

After carefully reviewing the record, the Board finds that events subsequent to the disputes herein rendered both claims moot.

Claimant Evens failed to respond to a recall to service notice dated June 7, 1989. Thus, Claimant Evens' name was removed from the applicable seniority roster on June 28, 1989. Similarly, Claimant Skolyak failed to answer a recall notice dated December 21, 1989. His name was subsequently removed from the applicable seniority roster on June 1, 1990.

As a result of their failure to respond to recall, Claimants forfeited all seniority they had accumulated under the Agreement. Since these former employees no longer hold any seniority with the Carrier, the relative rankings of their seniority, back in 1989, is moot. (Third Division Award 22177) Since there is no longer a justiciable controversy, the claims must be dismissed.

A W A R D

Claims dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

*Catherine Loughrin*

Catherine Loughrin Interim Secretary to the Board

Dated at Chicago, Illinois, this 20th day of September 1993.