

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30428
Docket No. CL-30833
94-3-92-3-687

The Third Division consisted of the regular members and in addition Referee Elizabeth C. Wesman when award was rendered.

(Transportation • Communications International
(Union
PARTIES TO DISPUTE: (
(Elgin, Joliet & Eastern Railway Company

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

1. Carrier violated the effective agreement when, following an investigation held on September 17, 1991, it imposed discipline in the form of sixty (60) demerits against the record of Mr. Roosevelt Ward without just cause;
2. Carrier shall now rescind the discipline imposed, shall clear Claimant's record of the charges placed against him, and shall compensate him for the time required to attend the investigation."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

It has come to the attention of the Board that, in between the time this dispute was submitted and it was subsequently docketed for resolution, Claimant and the Carrier negotiated a full settlement of this matter under the auspices of the Indianapolis, Indiana, District Office of the U. S. Equal Employment Opportunity Commission. Accordingly, this claim is dismissed as moot.

AWARD

Claim dismissed.

O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 8th day of August 1994.