

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

AWARD NO. 31865
DOCKET NO. MW-31551
97-3-93-3-391

(CSX Transportation, Inc. (former Baltimore
(and Ohio Railroad)
PARTIES TO DISPUTE: (
(Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM:

"Track Foreman P. E. Lantz, ID# 514703 is entitled to a two hour and forty minute call for January 3, 1989, account a Signalman called to inspect power switch and while doing so lit switch heater which had gone out."

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 were given due notice of hearing thereon.

As Third Party in Interest, the Brotherhood of Railroad Signalmen was advised of the pendency of this dispute, but it did not file a Submission with the Board.

There is no case before this Board because the party, which initially filed this claim on the property, withdrew it by letter directed to the Carrier under date of September 20, 1993, following the Carrier's June 24, 1993 Notice of Intent to the Board. We are aware of no authority which would empower or require this Board to now issue a ruling on the merits of this dispute. Because this subsequent event renders the claim moot it must be dismissed. See First Division Award 23955 and Third Division Awards 30700 through 30714.

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AWARD

Claim dismissed.

ORDER

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 4th day of March 1997.