

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 42898  
Docket No. MW-43295  
18-3-NRAB-00003-150236**

**The Third Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.**

**(Brotherhood of Maintenance of Way Employees Division-  
IBT Rail Conference  
PARTIES TO DISPUTE: (  
(The New York, Susquehanna & Western Railway  
(Corporation**

**STATEMENT OF CLAIM:**

**“Claim of the System Committee of the Brotherhood that:**

- (1) The discipline (letter of reprimand) imposed upon Mr. M. Wall by letter dated August 8, 2014, for alleged failure to be alert and attentive in connection with the occurrence of a personal injury on July 15, 2014, was without just and sufficient cause, on the basis of unproven charges and in violation of the Agreement (NYS).**
- (2) As a consequence of the violation referred to in Part (1) above, the discipline assessed Mr. M. Wall shall be removed from his personal record.**

**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.**

**At the October 20, 2017, Hearing of the Board in this case, the parties advised the Board that they have decided to settle this matter and dismiss this case. Therefore, the Board finds that the claim must be dismissed.**

**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 10th day of January 2018.**