

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 42899
Docket No. MW-43836
18-3-NRAB-00003-160647**

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 Conferene**

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 (dismissal) imposed on Mr. E. Stanley by letter dated January 25, 2016, for alleged violation of NYS&W Safety Rules and Procedures Addendum to Rule #60 under Conduct #60.2 and Addendum #8 was on the basis of unproven charges, excessive and in violation of the Agreement (NYS).**
- (2) As a consequence of the violation referred to in Part (1) above, Claimant E. Stanley shall be reinstated to service with seniority and all other rights unimpaired, have his record cleared of the charges leveled against him and be compensated all losses incurred, until he is returned to 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 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 this 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.