

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 43999
Docket No. MW-45378
20-3-NRAB-00003-190197

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

(Brotherhood of Maintenance of Way Employees Division –
(IBT Rail Conference

PARTIES TO DISPUTE: (

(Dakota, Minnesota & Eastern Railroad Corporation

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

- (1) The Carrier’s discipline [twenty (20) day suspension to be served without pay] of Mr. J. Bergendahl, issued by letter dated November 1, 2017, in connection with allegations that he failed to comply with instruction from his supervisor on June 30, 2017 was unjust and in violation of the Agreement (System File J-1734D-414/USA-BMWED_DM&E-2018-00003 DME).
- (2) As a consequence of the violation referred to in Part (1) above, Claimant J. Bergendahl shall have the discipline removed from his record and be compensated for all time lost which includes any days and overtime missed as a result of the improper suspension.”

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.

The Board has been notified jointly by the Parties that the Claimant, Mr. J. Bergendahl submitted his resignation from Carrier's service after this case was docketed on this Board. In addition, the Parties have jointly stated that included in his resignation was a waiver of any and all claims against the Carrier. Accordingly, the instant claim is moot and is therefore dismissed with prejudice.

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 5th day of March 2020.