

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 45269
Docket No. SG-47375
24-3-NRAB-00003-220413**

The Third Division consisted of the regular members and in addition Referee Kathryn A. VanDagens when award was rendered.

PARTIES TO DISPUTE: (
(Brotherhood of Railroad Signalmen
(Union Pacific Railroad Company

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad:

Continuous claim on behalf of C. Reyna, for return to work with all rights and benefits unimpaired including Medical and Railroad Retirement credits, compensation for all lost work days beginning July 15, 2021, until he is returned to work, account Carrier violated the current Signalmen’s Agreement, particularly Rules 52 and 65, when Carrier arbitrarily removed the Claimant from service and failed to provide in writing the reasons for removal, Carrier further failed to provide in writing requirements for the Claimant to return to service, and continues to request additional information, thereby denying the Claimants return to service. Carrier’s File No. 1759371, General Chairman’s File No. VGCS-52-185, BRS File Case No. 5404, NMB Code No. 103 - Out-of-Service Discipline: Safety/Operating Rules.”

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.

On June 15, 2020, the Claimant was removed from service for medical concerns based on observations made by Carrier Management. The Claimant submitted the requested medical documentation and Carrier has failed to disqualify or return him to service.

In a letter dated June 28, 2021, the Organization filed a claim on behalf of the Claimant. The Carrier denied the claim in a letter dated August 17, 2021. Following discussion of this dispute in conference, the positions of the parties remained unchanged, and this dispute is now properly before the Board for final adjudication.

The Organization contends that the Carrier violated the Agreement, particularly Rules 52(A) and 65, when it failed to return the Claimant to work. The Organization contends that the Carrier should now be required to return the Claimant to his position with compensation for all lost time, including overtime, and with benefits unimpaired.

The Carrier contends that it properly removed the Claimant from service until it could be determined that the Claimant was fit to safely perform his duties or whether the Claimant needed some sort of restrictions placed regarding the type of work he could perform.

The Board has learned that since the parties submitted this claim for consideration, the Claimant resigned from employment with the Carrier, and has retired from the Carrier's service. Under such circumstances, the Board views this case as moot and, accordingly, the claim is 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 24th day of July 2024.