

Joseph Lazar, Referee

AWARD NO. 9

CASE NO. 10

PARTIES )  
TO )  
DISPUTE )

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
 and  
 FORT WORTH AND DENVER RAILWAY COMPANY

STATEMENT  
OF CLAIM:

1. That the Carrier violated the Agreement when as a result of an investigation conducted October 22, 1980, they dismissed J. J. Sweet from his position of Section Laborer, said dismissal being capricious and unjust.
2. That Claimant J. J. Sweet be reinstated to the service with seniority, vacation and all other rights unimpaired and, additionally, that he be compensated for loss of earnings suffered account his wrongful discharge.

FINDINGS:

The record reveals that Claimant in this case suffered an injury on duty, on or about May 13, 1980, in connection with which a settlement was reached with the Carrier's Claim Department, February 4, 1981.

Said settlement contained a clause reading in part: " .... and in further consideration of this settlement I hereby resign from the service of said Company and release said Company from all claims in connection with seniority or employment rights." (Emphasis supplied)

In view of the above quoted provision of the settlement reached, the claim filed and progressed by the Organization becomes moot and is hereby dismissed.

AWARD:

The Claim is dismissed.

JOSEPH LAZAR, CHAIRMAN AND NEUTRAL MEMBER

S.E. FLEMING, EMPLOYEE MEMBER

B.J. MASON, CARRIER MEMBER

DATED: 10-19-81