

PUBLIC LAW BOARD NO. 2774

Award No. 142
Case No. 142

PARTIES
TO
DISPUTE

Brotherhood of Maintenance of Way Employees
and
Atchison, Topeka and Santa Fe Railway Company

STATEMENT
OF CLAIM

- "1. That the Carrier violated the agreement when on May 15, 1984, it removed Trackman W. A. Clark from its service pending a hearing and further violated said agreement when on July 13, 1984, it permanently dismissed Mr. Clark without first according him the benefits of a fair and impartial hearing as contemplated under the agreement, said action being unjust and in abuse of discretion.
2. Claimant shall now be reinstated to the service of Carrier with seniority and all other rights restored unimpaired and with compensation for all wage loss suffered."

FINDINGS

Upon the whole record, after hearing, the Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted under Public Law 89-456 and has jurisdiction of the parties and the subject matter.

The record indicates that claimant herein, Mr. Clark, was the subject of a claim, Award No. 141 of this Board. The decision in that award sustained Carrier's right to discharge Mr. Clark for falsification of his application for employment. In view of that determination, no useful purpose could be served by ruling on the merits of the claim herein since the issue is clearly moot. The claim, therefore, must be dismissed.

AWARD


Claim dismissed as moot.



I. M. Lieberman, Neutral-Chairman



C. F. Foose, Employee Member



G. M. Garmon, Carrier Member

Chicago, Illinois

February 6, 1986