

PUBLIC LAW BOARD NO. 2774

Award No. 164

Case No. 164

PARTIES
TO
DISPUTE

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

STATEMENT
OF CLAIM

- "1. The Carrier's decision to dismiss Welder Helper, Mr. F. S. Benolken, from its service for allegedly being absent without proper authority, said action being without just and sufficient cause and in violation of the current Agreement.
2. The Carrier will now be required to restore Claimant to his former position with seniority and all other rights restored, unimpaired, with compensation for all wage loss suffered."

FINDINGS

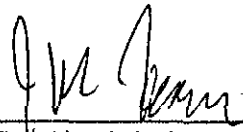
Upon the whole record, after hearing, the Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted under Public Law 89-456 and has jurisdiction of the parties and the subject matter.

This dispute is a companion to that dealt with in Award No. 163 of this Board. It involves the very same circumstances as that in the earlier matter and the investigation in this case was held within two hours following the investigation alluded to in Award 163.

In view of the strange circumstance involving these disputes, the Board's conclusion in Award No. 163 is controlling for the entire matter. The dispute in this matter is moot under the circumstances and will not be dealt with further. Therefore, the claim must be dismissed.

AWARD

Claim dismissed as moot.



I. M. Lieberman, Neutral-Chairman



G. M. Garmon,
Carrier Member



C. F. Foote,
Employee Member

Chicago, Illinois

March 31, 1988