

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Wayne W. Baikauskas
(
(Union Pacific Railroad Company

STATEMENT OF CLAIM:

Why the carrier/union Pacific RR. Co. failed to honor the agreement between Wayne W. Baikauskas and the Chicago Heights terminal Transfer covering article Article IV of said agreement causing both physical, mental and financial hardshipship, further why said carrier and its agents and officers should not have to pay with interest any financial loss.

Why the above mentioned carrier should not be held in violation of 45-USCS § 359 Penalties (a) Failure to furnish information with regards to the instructions of officer of carrier requesting that petitioner make false and fraudulent statements and claims, 45-USCS §152-n-53(54-55) Duty of employer to treat with authorized representative 45-USCS §58(9.5) Negligent Medical Treatment. 45 USCS §152 (7) changes forbidden while said actions are pending before the National Railroad Adj. Board. 45-USCS §2n 35 Proximate cause, generally.

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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.

Petitioner requested a Hearing before the Board and one was scheduled. Prior to the date of the Hearing, Petitioner notified the Board that he would not attend. Carrier likewise did not attend the Hearing.

Both parties to the dispute have raised numerous issues, procedural and substantive, in support of their positions. The Board finds that it need consider only one. On December 14, 1990, Petitioner executed a resignation and release from the Carrier, which included the following provision:

"I release and forever discharge the Company from any and all claims, causes of actions, and liabilities of any kind or actions currently pending in any stage of appeal including those actions pending before the National Railroad Adjustment Board, arising out of my employment at, or termination of my employment from, the Company."

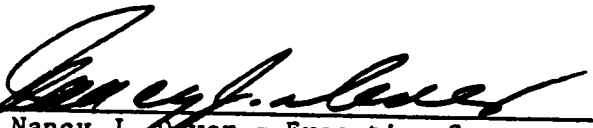
It is clear that such resignation and release covers the dispute before this Board in this docket. The Claim, therefore, having become moot, must be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Lever - Executive Secretary

Dated at Chicago, Illinois, this 24th day of July 1991.