

The Fourth Division consisted of the regular members and in addition Referee Marty E. Zusman when award was rendered.

(Richard Tiernan
PARTIES TO DISPUTE: (
(Long Island Rail Road Company

STATEMENT OF CLAIM:

1. Was there evidence of wrongdoing in the notice of discipline filed against grievant by the carrier alleging excessive absenteeism and was grievant absent and unavailable for work thirty-one (31) days for the period January 1, 1989 to August 31, 1989 in violation of the carrier's work rules?

2. Was the penalty imposed excessive (45 days)?

FINDINGS:

The Fourth 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 waived right of appearance at hearing thereon.

After a careful and full consideration of the record with respect to the Claimant's alleged guilt and suspension for excessive absenteeism, the Board is compelled to dismiss the instant dispute. Subsequent to the Claim, the Claimant resigned and formally withdrew all pending actions against the Long Island Railroad and before the National Railroad Adjustment Board. Accordingly, the Claim at bar is moot.

A W A R D

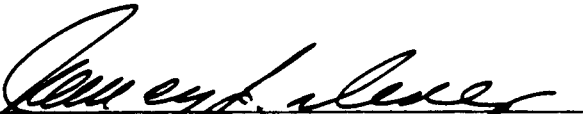
Claim dismissed.

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Award No. 4826
Docket No. 4835
92-4-91-4-8

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Fourth Division

Attest:


Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 13th day of February 1992.