



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the  
Application of the  
  
RYAN, WALTER & MCCLYMONT  
  
alleging a representation dispute  
pursuant to Section 2, Ninth, of  
the Railway Labor Act, as  
amended  
  
involving employees of  
  
KYLE RAILROAD

43 NMB No. 40

CASE NO. R-7469  
(File No. CR-7062)

FINDINGS UPON  
INVESTIGATION-  
DISMISSAL

September 9, 2016

The services of the National Mediation Board were invoked by “Ryan, Walter & McClymont”, on June 19, 2012, to investigate and determine who may represent for purposes of the Railway Labor Act, as provided by Section 2, Ninth, thereof, personnel described as “Mechanical Shop-Phillipsburg, Kansas”, employees of Kyle Railroad.

At the time this application was received, these employees were represented by the United Transportation Union (UTU). The UTU’s certifications on Kyle Railroad were transferred to the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) in 2013. *Kyle Railroad*, 40 NMB 248 (2013).

The Board assigned Eileen M. Hennessey to investigate.

The Board’s pre-docketing investigation established that the applicant “Ryan, Walter & McClymont” is no longer operating as a professional corporation. Based upon this information, the application filed by “Ryan, Walter & McClymont” and the authorization cards filed in support of this application are no longer valid. Accordingly, the Board finds no basis to

proceed in this matter. The Board hereby converts NMB File No. CR-7062 to NMB Case No. R-7469 and dismisses the application.

By direction of the NATIONAL MEDIATION BOARD.



Mary L. Johnson  
General Counsel

Copies to:

Daniel C. Walter, Esq.

Andrew J. Walter, Esq.

Aaron J. Herman, Esq.

Elizabeth S. Dougherty, Esq.

Erika Diehl-Gibbons, Esq.

Richard Ross

Brent Leonard