

**CORRECTED**

### Form 1

The Third Division consisted of the regular members and in addition Referee Charlotte Gold when award was rendered.

(Gerald V. Graphia and K. J. Gardner

**PARTIES TO DISPUTE:**

(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of Gerald V. Graphia on behalf of K. J. Gardner (#236) that:

(a) Carrier violated the rules of the current clerks' Agreement and provisions of the Railway Labor Act at Amarillo, Texas when it failed to properly compensate K. J. Gardner for resigning on or about April 30, 1985, in return for accepting a lump sum separation allowance, and

(b) K. J. Gardner shall now be compensated the difference between the three thousand five hundred dollars (\$3,500.00) received and of the Washington Job Protection Agreement of May 1936 in addition to interest payable at the prevailing prime rate and any other such damages and awards as may be determined by this Honorable Board."

## **FINDINGS:**

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

The carrier or carriers and the employe or employees 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.

The issues in the instant dispute are virtually identical to those involved in Third Division Awards 26749 and 26751. For the reasons set forth in those Awards, the Claim will be dismissed.

### AWARD

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**By Order of Third Division**

Attest:

Nancy J. Weaver - National Secretary

Dated at Chicago, Illinois, this 5th day of January 1988.