

(G. v. Graphia

PARTIES TO DISPUTE: (

(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of G. V. Graphia (#237) that:

(a) Carrier violated **the rules of the current Clerks' Agreement at Temple, Texas commencing November 7, 1985** when it failed to properly accept or respond to a grievance submitted **chat date, and**

(b) Claimant G. V. Graphia shall now be compensated **\$16,965.00 plus \$282.75 each day after November 7, 1985** that Claimant is wrongfully denied **payment of this claim, and**

(c) Claimant C. V. Graphia shall be **paid interest payable at the prevailing prime rate an\* 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 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.

As Third Party in Interest, the **Brotherhood of Railway, Airline and Steamship Clerks** were advised of the pendency of this dispute and filed a Submission with the Division.

The issues in the instant dispute are virtually identical to those involved in Third Division Award 26749. Here, as there, the facts show that no conference was held as required by the Railway Labor Act, and there is no factual evidence in the record to support the Claimant's time limit argument. For the reasons set forth in Third Division Award 26749, the Claim will be dismissed.

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Award No. 26799  
Docket No. MS-27611  
88-3-87-3-60

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:   
Nancy J. Devor - Executive Secretary

Dated at Chicago, Illinois, this 28th day of January 1988.