

(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 employees involved in **this dispute** are respectively **carrier and employees** 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.