

(Gerald V. Graphia
PARTIES TO DISPUTE: (
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of Gerald V. **Graphia** (#302) that:

(a) **Carrier violated the rules** of the current clerk's Agreement when they **removed** duties and **changed** the titles of the following positions without properly rebulletining positions #6181, 6115, 6135, 6183, 6093, 5001, 3000, 6073, 6047, 6078, 6040, 6203, 6110, 6035, 6034, 6075, 6190, 6191 and 6192 located in Lometa, Conroe, Longview, Boise Southern, Beaumont, Bellville, Bay City, Pearland and Galveston, Texas, and

(b) Carrier must be required to promptly **rebulletin** the above position numbers, and

(c) G. V. Graphia and occupants of these positions shall now be compensated \$88,000.00 plus \$2,000.00 for each day after December 26, 1985, **and**

(d) G. V. Graphia and occupants of these positions shall now be compensated interest **payable at the** prevailing prime rate and any other penalties 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 **employee 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.** Furthermore, even if the merits **could be reached, we** can find nothing in the applicable Agreement between the Carrier and BRAC which supports the Claimant's **position** that such Agreement was **violated.**

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

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