

(E. V. Rogers

PARTIES TO DISPUTE: (

(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of E. V. Rogers (#316) that:

(a) Carrier violated the provisions of the current Clerks' Agreement at Winslow, Arizona when ~~it~~ improperly attempted to establish PAD positions with the signing of the Memorandum of Agreement dated December 1, 1977, and

(b) Carrier violated clerical seniority rights by signing this Memorandum of Agreement, and

(c) Carrier shall abolish all PAD positions and ~~rebulletin~~ said positions as regular bid positions wherein seniority shall prevail, and

(d) E. V. Rogers shall now be compensated in a " ~~amount~~ to be determined by this Honorable Board, and

(e) E. V. Rogers shall now be compensated interest and any other penalties ~~and~~ awards deemed proper by this Honorable Board."

FINDINGS:

The Third Division of the Adjustment Board up"" 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 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 ~~Sub-~~mission 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~~.

Form 1  
Page 2


Award No. 26811  
Docket No. MS-27623  
88-3-87-3-72

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.