

(J. A. Marchese
PARTIES TO DISPUTE: (The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of J. A. Marchese (#331) that:

(a) Carrier violated the rules of the current clerks' Agreement when it failed to properly bulletin positions #6186, 6235, 6199, 6280, 6128, 6186, 6146, 6252 and 6186 by using the term 'and related duties' under description of job, and

(b) J. A. Marchese shall now be compensated \$21,339.02 plus \$905.06 for each day after March 3, 1986, and

(c) J. A. Marchese shall now be compensated interest payable at the prevailing prime rate and any other 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 **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.

Before turning to the issues we must comment that Claimant's request for \$21,339.02, plus \$905.06 for each day after March 3, 1986, as well as any other damages that may be determined by the Board, is grossly excessive and has no foundation within the Agreement. Indeed, the Claimant has offered no proof of any loss of earnings.

The facts indicate that no conference was held as required by Rule 47-C and the Railway Labor Act. For the reasons set forth in Third Division Award 26749, the Claim will be dismissed. 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.

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Award No. 26880
Docket No. MS-27631
88-3-87-3-81

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 25th day of February 1988.