Form I NATIONAL RAILROAD ADJUSTMENT BOARD Award No. 26958
THIRD DIVISION Docket No. Ms-27690
88-3-87-3-158

PARTIES TO DISPUTE: (R. S. Davis
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of R. S. Davis (#342) that:

(a) Carrier violated the rules of the current clerk's Agreement in Gallup, New Mexico when it failed to properly bulletin position #6065 by using the term 'other duties as directed by Manager RFO' under description of job, and

(b) R. S. Davis shall now be compensated $2,844.25 plus $91.85 for each day after March 24, 1986, and

(c) R. S. Davis 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 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 was advised of the pendency of this dispute and filed a Submission with the Division.

At the outset, we note that the Claimant has another Claim, see Third Division Award No. 26957, for the same period. This Board has consistently held that it will not allow the pyramiding, compounding, and duplicating of claims. For this reason alone, the Claim warrants dismissal.

Beyond such defect, the facts indicate that no conference was held as required by Rule 47 of the Agreement and the Railway Labor Act. For the reasons set forth in Third Division Award 26749, the Claim must be dismissed.

Petitioner's arguments with respect to the time limits are not supported by the record. Finally, 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 30th day of March 1988.