

Form I

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 26963
Docket No. MS-27695
88-3-87-3-163

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

STATEMENT OF CLAIM: "Claim of E. V. Rogers (#349) that:

(a) Carrier violated the rules of the current clerk's Agreement in Winslow, Arizona when it failed to properly bulletin **positon #6084** by using the term 'other duties as directed by Manager **RFO' udner** description of job, and

(b) E. V. Rogers shall now be compensated **\$3,122.90** plus \$91.85 for each day after March 26, 1986, and

(c) E. V. Rogers 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 **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.

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 **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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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.