

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 26974
Docket No. MS-27745
88-3-87-3-219

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

PARTIES TO DISPUTE: "Claim of G. J. Giudicessi (#353) that:

(a) Carrier violated the provisions of the current Clerk's Agreement at Topeka, Kansas when it improperly bulletined position 6025 on March 18, 1986 by using the term 'other duties as may be assigned' **or** similar words under description of duties, and

(b) Claimant G. J. Giudicessi shall now be compensated \$1198.01 plus \$108.91 for each day after April 8, 1986, and

(c) Claimant G. J. Giudicessi 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 was advised of the **pendency** of this dispute and filed a Submission with the Division.

At the outset, we note that the Claimant has other Claims, see Third Division Award Nos. 26972, 26978, 26981, 26983, 26989 and 26991, for the same time period. This Board has consistently held that the pyramiding, compounding, and duplicating claims **cannot** be supported. Indeed, the Claimant has offered no proof of any loss of earnings.

The Claimant has alleged that the Carrier violated the Agreement when it improperly bulletined Position No. 6025 on March 18, 1986, at Topeka, Kansas, when it used the term "other duties as may be assigned" or similar words under the description of the duties.


The record is clear that the action taken by the Carrier, which the Claimant challenges, was in accord with Agreements the Carrier made with the **Organization**. Inasmuch as the jurisdiction of the Board is confined to interpreting Agreements between Carriers and Organizations representing their **employees**, and inasmuch as there is no dispute here between the contracting parties that the Carrier fully complied with the Agreements made with the Organization, the Claim must be denied. First Division Awards 23044, 23083, 19798, 18789. Third Division Awards 12466, 14980, 18576, 26758, 26807.

A W A R D

Claim denied.

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.