Form 1 NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 26993
Docket No. MS-27764
88-3-87-3-239

PARTIES TO DISPUTE: (C. Jablonski
(
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of C. Jablonski (#394) that:

(a) Carrier violated the provisions of the current Clerks' Agreement at Los Angeles, California when it improperly abolished position #6017 on May 1, 1986 and

(b) Failed to provide BRAC with a list of duties not abolished and a list of position numbers to which these duties were to be distributed, and

(c) Ms. C. Jablonski shall now be compensated $1,701.72 plus $94.54 for each day after May 26, 1986, and

(d) Ms. C. Jablonski shall now be compensated interest and any other damages and awards deemed proper 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.

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.