

(Leonard B. Day  
PARTIES TO DISPUTE: (  
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of Leonard B. Day (494) that:

(a) Carrier violated the provisions of the current Clerks' Agreement at Temple, Texas when it improperly abolished position 6052 on September 8, 1986, and

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

(c) Claimant Leonard B. Day shall now be compensated \$1,560.00 plus \$104.00 for each day after October 1, 1986, and

(d) Claimant Leonard B. Day shall now be compensated interest payable at the prevailing prime rate 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 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 Transportation Communications Union 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 must be dismissed.

Finally, even if the merits could be reached, we can find nothing in the applicable Agreement between the Carrier and the Organization which supports the Claimant's position that such Agreement was violated.

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Award No. 27453  
Docket No. MS-28088  
88-3-87-3-662

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 August 1988.