Form 1 NATIONAL RAILROAD ADJUSTMENT BOARD Award No. 27660
THIRD DIVISION Docket No. MS-28186
88-3-87-3-623

(D. A. Vaughan
PARTIES TO DISPUTE: (
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of D. A. Vaughan (522) that:

(a) Carrier violated the provisions of the current Clerks' Agreement
at Amarillo, Texas when it posted information restricting the bidding rights
of employes onto towerman positions, and

(b) Claimant D. A. Vaughan shall now be compensated an undetermined
amount plus an undetermined amount for each day the violation continues; to be
determined by this Honorable Board, and

(c) Claimant D. A. Vaughan 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 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.

Furthermore, even if the merits could be reached, we can find nothing
in the applicable Agreement between the Carrier and the Organization which sup-
ports 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 16th day of December 1988.