

The Third Division consisted of the regular members and in addition Referee Charlotte Gold when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employees  
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood  
(GL-10163) that:

(a) Carrier violated the intent and provisions of the current Clerk's Agreement at Winslow, Arizona, on January 6, 1986, when it failed to recall senior off-in-force-reduction employee George Duncan on advertised permanent vacancy on Position No. 6080 at Winslow, Arizona, and

(b) George Duncan shall now be placed on Position No. 6080 at Winslow and shall be compensated eight (8) hours' pay at the pro rata rate of Position No. 6080 for each day Position No. 6080 is scheduled to work commencing January 6, 1986, and continuing until Claimant George Duncan is placed upon Position No. 6080, in addition to any other compensation Claimant may have received for this period, and

(c) After expiration of 30 days from the date of this claim, Carrier shall pay the prevailing prime interest rate on the amount of compensation due Claimant."

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.

The Division notes that a claim for the same period was the subject of Third Division Award 26885, involving the same Claimant. That claim was dismissed for procedural reasons, as well as on the merits. Despite the fact that Carrier erred in concluding that it had not been properly notified about Claimant's declination of the Rule 13 transfer, we have consistently held that the pyramiding, compounding, and duplication of claims cannot be supported. The claim must be dismissed.

Form 1  
Page 2

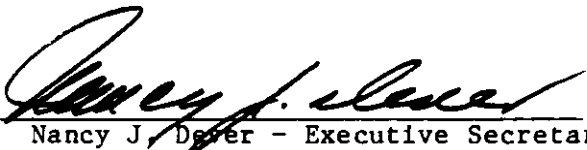
Award No. 27741  
Docket No. CL-27724  
89-3-87-3-199

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 2nd day of March 1989.