

CORRECTED

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD Award No. 26750

THIRD DIVISION

Docket No. MS-27583

88-3-87-3-21

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

PARTIES TO DISPUTE: (Jean Hastings Irving
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of Jean (Hastings) Irving (#187) that:

(a) Carrier violated the rules of the current Clerks' Agreement at Topeka, Kansas commencing August 29, 1985 when it failed to properly respond to a grievance submitted that date, and

(b) Carrier shall now accept grievance as presented, and,

(c) Claimant Jean (Hastings) Irving shall now be compensated \$2,170.61 plus \$103.41 each day after August 29, 1985 that Claimant is wrongfully denied payment of this claim, and

(d) Claimant Jean (Hastings) Irving shall be paid interest payable at the prevailing prime rate and any other such damages 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 employe or employees 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 were given due notice of hearing thereon.

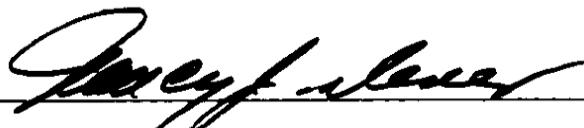
The issues in the instant dispute are virtually identical to those involved in Third Division Award 26749. Here, as there, the facts show that no conference was held as required by the Railway Labor Act and there is no factual evidence in the record to support the Claimant's time limit argument. For the reasons set forth in Third Division Award 26749, the Claim will be dismissed.

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 5th day of January 1988.