

(J. L. Griffin
PARTIES TO DISPUTE: (
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of J. L. Griffin (#249) that:

(a) Carrier violated the rules of the current Clerks' Agreement at Topeka, Kansas when it mysteriously 'misplaced' Claimant's evaluation forms when he requested to see his Personnel File (PR File), and

(b) Carrier filled in such evaluation forms in pencil instead of using pen as used on evaluation forms of other clerks giving the Carrier the opportunity of altering or changing these forms without Claimant's knowledge, and

(c) Carrier is maintaining two separate personal record files with the purpose of withholding (sic) such information from Claimant and government agencies, and

(d) Mr. J. L. Griffin shall now be compensated an amount to be determined by this Honorable Board, and

(e) Mr. J. L. Griffin 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 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 waived right of appearance at hearing thereon.

As Third Party in Interest, the Brotherhood of Railway, Airline and Steamship Clerks were advised of the pendency of this case and filed a Submission with the Division.

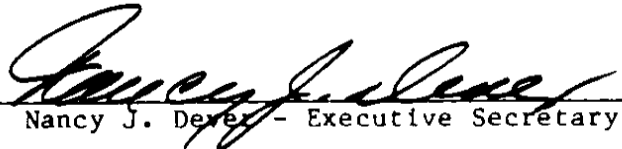
The issues in the instant dispute are virtually identical to those involved in Third Division Award 26749. Here, as there, the facts show that no conference was held as required by the Railway Labor Act. Furthermore, even if the merits could be reached, we can find nothing in the applicable Agreement 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. Deves - Executive Secretary

Dated at Chicago, Illinois, this 28th day of January 1988.