

PARTIES TO DISPUTE: (Gerald V. Graphia
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of Gerald V. Graphia (#302) that:

(a) Carrier violated the rules of the current clerk's Agreement when they removed duties and changed the titles of the following positions without properly rebulletining positions #6181, 6115, 6135, 6183, 6093, 5001, 3000, 6073, 6047, 6078, 6040, 6203, 6110, 6035, 6034, 6075, 6190, 6191 and 6192 located in Lometa, Conroe, Longview, Boise Southern, Beaumont, Bellville, Bay City, Pearland and Galveston, Texas, and

(b) Carrier must be required to promptly rebulletin the above position numbers, and

(c) G. V. Graphia and occupants of these positions shall now be compensated \$88,000.00 plus \$2,000.00 for each day after December 26, 1985, and

(d) G. V. Graphia and occupants of these positions shall now be compensated interest payable at the prevailing prime rate and any other penalties 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 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 Brotherhood of Railway, Airline and Steamship Clerks were advised of the pendency of this dispute 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.

Form 1
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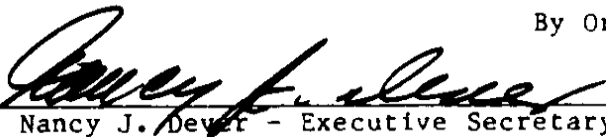
Award No. 26806
Docket No. MS-27618
88-3-87-3-67

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 28th day of January 1988.