

PARTIES TO DISPUTE: (M. C. Galindo
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of M. C. Galindo (#310) that:

(a) Carrier violated the rules of the current clerk's Agreement in Los Angeles, California when it failed to properly bulletin positions 6276, 6258, 6048, 6199, 6005, 6050 and 6118 by using the term 'and related duties' under description of job, and

(b) M. C. Galindo shall now be compensated \$25,315.98 plus \$703.12 for each day after February 17, 1986, and

(c) M. C. Galindo shall now be compensated interest payable at the prevailing prime rate and any other 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 employee or employees involved in this dispute are respectively carrier and employee 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 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.

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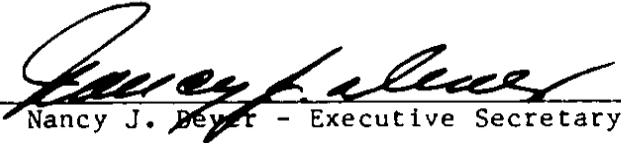
Award No. 26809
Docket No. MS-27621
88-3-87-3-70

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.