

(G. E. Duncan
PARTIES TO DISPUTE: (
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of G. E. Duncan (#355) that:

(a) Carrier violated the rules of the current Clerks' Agreement at Winslow, Arizona commencing April 8, 1986 when it failed to properly respond to a grievance submitted that date, and

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

(c) Claimant G. E. Duncan shall now be compensated in an amount to be determined by this Honorable Board and a further amount to be determined by this Honorable Board for each day after April 8, 1986 that Claimant is wrongfully denied payment of this claim, and

(d) Claimant G. E. Duncan shall now be paid interest at the prevailing prime rate and any other such 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 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 dispute and filed a Submission with the Division.

The facts indicate that no conference was held as required by Rule 47-C and the Railway Labor Act. For the reasons set forth in Third Division Award 26749, the Claim will be dismissed. 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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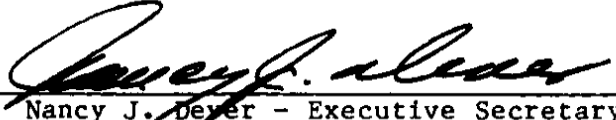
Award No. 26885
Docket No. MS-27636
88-3-87-3-86

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 25th day of February 1988.