

(D. J. Morganti

PARTIES TO DISPUTE: (

(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of D. J. Morganti (#356) that:

(a) Carrier violated the provisions of the current Clerks' Agreement at Topeka, Kansas 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 D. J. Morganti shall now be compensated \$1,993.40 plus \$99.67 each day after April 8, 1986 that Claimant is wrongfully denied payment of this claim, and

(d) Claimant D. J. Morganti 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 employes 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 was advised of the pendency of this dispute and filed a Submission with the Division.

At the outset, we note that the Claimant has other Claims, see Third Division Award Nos. 26971 and 26982, for the same period. This Board has consistently held that it will not allow the pyramiding, compounding, and duplicating of claims. For this reason alone, the Claim warrants dismissal.

Beyond such defect, the facts indicate that no conference was held as required by Rule 47 of the Agreement and the Railway Labor Act. For the reasons set forth in Third Division Award 26749, the Claim must be dismissed.

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Award No. 26964
Docket No. MS-27696
88-3-87-3-164

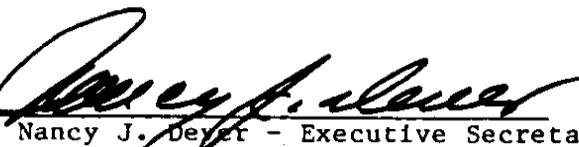
Petitioner's arguments with respect to the time limits are not supported by the record. Finally, even if the merits could be reached, we can find nothing in the applicable Agreement between the Carrier and BRAC which supports the Claimant's position that such Agreement was violated.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 30th day of March 1988.