

(G. J. Giudicessi

PARTIES TO DISPUTE: (

(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of G. J. Giudicessi (#368) that:

(a) Carrier violated the provisions of the current Clerks' Agreement at Topeka, Kansas when it improperly established, bulletined or rebulletined PAD position #5119 on March 20, 1986, and

(b) Such establishment of PAD positions is improper and illegal as Appendix No. 12 (which should contain rules pertaining to the establishment of PAD positions) has been missing from the Agreement for years, and

(c) Such establishment of PAD positions violate certain clerical seniority rights granted to clerks, under the Agreement, and

(d) Mr. G. J. Giudicessi shall now be compensated \$1,137.51 plus \$103.41 for each day after April 14, 1986, and

(e) Mr. G. J. Giudicessi 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 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. 26972, 26974, 26978, 26984, 26989 and 26991, for the same time period. This Board has consistently held that the pyramiding, compounding, and duplicating claims cannot be supported. Indeed, the Claimant has offered no proof of any loss of earnings.

The Claimant has alleged that the Carrier violated the Agreement when it improperly established and bulletined PAD Position No. 5119 on March 20, 1986.

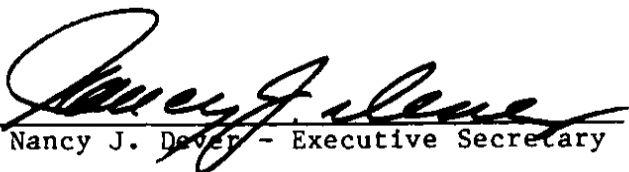
The record is clear that the action taken by the Carrier, which the Claimant challenges, was in accord with Agreements the Carrier made with the Organization. Inasmuch as the jurisdiction of the Board is confined to interpreting Agreements between Carriers and Organizations representing their employees, and inasmuch as there is no dispute here between the contracting parties that the Carrier fully complied with the Agreements made with the Organization, the Claim must be denied. First Division Awards 23044, 23083, 19798, 18789. Third Division Awards 12466, 14980, 18576, 26758, 26807.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

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