

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

STATEMENT OF CLAIM: "Claim of M. C. Galindo (#448) on behalf of all affected Carrier Clerks that:

(a) Carrier violated the provisions of the current Clerks' Agreement throughout the system when it fraudulently withheld from an entire class of clerks the retroactive pay and wages to which they were entitled, and

(b) Claimants are entitled to the full amount of back pay due them in an amount to be determined by this Honorable Board, and

(c) Claimants shall now be compensated interest and any other penalties 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 Transportation Communications Union 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 for the same period. This Board has consistently held that pyramiding, compounding and duplicating claims cannot be supported. 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.

Form 1
Page 2

Award No. 27257
Docket No. MS-27930
88-3-87-3-471

Finally, even if the merits could be reached, we can find nothing in the applicable Agreement between the Carrier and the Organization 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. Dever, Executive Secretary

Dated at Chicago, Illinois, this 20th day of July 1988.