

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

STATEMENT OF CLAIM: "Claim of G. J. Giudicessi (467) that:

(a) Carrier violated the provisions of the current Clerks' Agreement at Topeka, Kansas when it improperly abolished position 6146 on August 8, 1986, and

(b) Carrier failed to provide BRAC with a list of duties not abolished and a list of position numbers to which these duties were to be redistributed, and

(c) Claimant G. J. Giudicessi shall now be compensated \$1,703.04 plus \$106.44 for each day after September 11, 1986, and

(d) Claimant G. J. Giudicessi shall now be compensated interest payable at the prevailing prime rate 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 Transportation Communications Union was advised of the pendency of this dispute and filed a Submission with the Division.

The Claimant has contended that the Carrier violated the Agreement at Topeka, Kansas, when it improperly abolished Position 6146 on August 8, 1986, and failed to provide the Organization with a list of the remaining duties and to what positions they were distributed.

At the outset, we note that the Claimant has other Claims, see Dockets MS-28089 and MS-28091, 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.

The Carrier has raised numerous defenses to the Claim, including untimeliness and acquiescence on the part of the Claimant. With respect to the procedural defenses raised by the Carrier, we find it unnecessary to determine such issues as it is clear that the Claim fails on its merits.

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.

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 August 1988.