

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

STATEMENT OF CLAIM: "Claim of T. C. Cooka (530) that:

(a) Carrier violated the provisions of the current Clerks' Agreement at Gallup, New Mexico when it improperly bulletined position 9338 on August 20, 1986 by inserting the term 'and other duties as may be assigned' or similar words under description of duties, and

(b) Carrier shall be prohibited from using the term 'other duties as may be assigned' or similar words under description of duties when bulletining a position.

(c) Claimant T. C. Cooka shall now be compensated \$2,950.00 plus \$94.99 for each day after October 10, 1986, and

(d) Claimant T. C. Cooka 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 Transportation Communications Union was 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 of the Agreement and the Railway Labor Act. For the reasons set forth in Third Division Award 26749, the Claim must be dismissed.

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.

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Award No. 27461
Docket No. MS-28096
88-3-87-3-670

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 30th day of August 1988.