

(A. E. Nerkowski
PARTIES TO DISPUTE: (
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of A. E. Nerkowski (542) that:

(a) Carrier violated the provisions of the current Clerks' Agreement at Los Angeles, Calif. when it refused to provide a copy of the new contract booklet, FORM 2633 STD., AGREEMENT BETWEEN THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY AND ITS OFFICE, STATION, TOWER AND STOREHOUSE EMPLOYES OF THE CRAFT OR CLASS REPRESENTED BY THE BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES, after ratification of a new contract on April 10, 1986, and

(b) Carrier has stated that many rules of the current Clerks' Agreement have been changed or modified and have refused to provide this essential information to its clerical forces, and

(c) Carrier shall be required to provide the Claimant with a copy of the above form, effective April 10, 1986 reflecting all rule and appendix changes, and any other modifications of said agreement, and

(d) Carrier has treated Claimant unjustly by withholding this information, and

(e) Claimant A. E. Nerkowski shall now be compensated an amount (retroactive 60 days from the date grievance was filed) plus an undetermined amount for each day after October 22, 1986 that the violation continues; to be determined by this Honorable Board, and

(f) Claimant A. E. Nerkowski 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 employees involved in this dispute are respectively carrier and employees 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.

Form 1
Page 2

Award No. 27529
Docket No. MS-28137
88-3-87-3-734

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.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 22nd day of September 1988.