

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31880
Docket No. CL-32019
97-3-94-3-383**

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (
(Transportation Communications International Union
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM:

"Claim of the System Committee of the Organization (GL-11070) that:

- (a) Carrier violated the provisions of the current Clerk's Agreement at Newton, Kansas when it failed and/or refused to pay E. J. Howard and C. S. Ratzlaff the Lump Sum Payment as required by Article 1, Section I of the June 1, 1991 National Agreement; and,**
- (b) Claimants E. J. Howard and C. S. Ratzlaff shall now be paid \$2000.00 upon receipt of this claim, in addition to any other compensation Claimants may have received, as a result of this violation; and,**
- (c) Claimants shall also be paid a make whole allowance (interest) on moneys claimed of twelve (12) percent per annum until claim is paid, in addition to compensation claimed in (b) above."**

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 were given due notice of hearing thereon.

Claimants are seeking a Lump Sum Payment that was provided active employees under the terms of the National Wage Agreement effective June 1, 1991. To be eligible for a Lump Sum Payment employees needed to be actively at work on the date of the Agreement. Claimants were not actively at work at the time. They had accepted a separation allowance under the terms of an Implementing Agreement dated November 13, 1990. The claim is without merit.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 4th day of March 1997.