

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Form 1

Award No. 12548
Docket No. 12392
93-2-91-2-238

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

(International Brotherhood of Electrical
(Workers
PARTIES TO DISPUTE: (
(Union Pacific Railroad Company

STATEMENT OF CLAIM:

- "1. That the Union Pacific Railroad Company is violative of Rules 22, 37, 40, 42, and 138 and Ruling 19, but not limited to, of the controlling agreement effective November 1, 1976, and has dealt unjustly damaged Electrician Apprentice J. E. Stewart at North Platte, Nebraska when the Carrier improperly removed the Claimant from service August 30, 1990.
2. That accordingly, the Union Pacific Railroad Company be ordered to compensate Claimant of all lost time including overtime, and interest, all benefits due and his vacation and seniority rights unimpaired until claim is settled."

FINDINGS:

The Second 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 employe 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.

At the time of Claimant's dismissal from Carrier's service he had the status of a new employee with four days of employment. Rule 43(b) of the Agreement allows Carrier ninety working days within which to reject a new employee's application. This is an agreed upon probationary period. This Board has previously noted:

"There is no question that in this industry a carrier may release candidates for permanent employment during their probationary period without hearing and investigation and without detailing the basis on which the decision is predicated." (Second Division Award 12179)

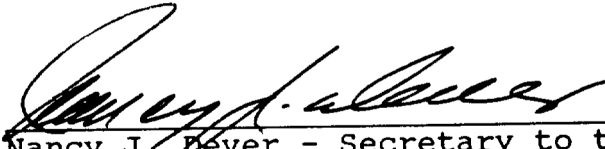
The claim is without merit.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Secretary to the Board

Dated at Chicago, Illinois, this 21st day of July 1993.