

The Second Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

(Brotherhood Railway Carmen of the United States
(and Canada

Parties to Dispute: (

(Chicago and North Western Transportation Company

Dispute: Claim of Employees:

1. Carman Al Nisson was denied the right to Job #014 as a Carman Welder on June 4, 1982, without benefit of a fair trial for the position.

2. The Chicago and North Western Transportation Company failed to comply with the provisions of Article V 1(a) of the August 21, 1954 Agreement as it did not provide written reasons for denial of the claim.

3. That Carman Al Nisson be awarded Job #014 as a Carman Welder and be given a fair trial of thirty (30) days to qualify for that position as per the terms of the controlling agreement.

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 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.

The Organization asserts the Claimant, Al Nisson, was denied a fair trial when he bid for a bulletined position for an AAR Certified Welder at Kansas City and was the senior bidder. According to the Organization, the Carrier denied the Claimant his contractual right to be assigned to the position of his choice and allowed the opportunity of a thirty (30) day period to qualify for the position.

The Carrier argues the Claimant was not an AAR Certified Welder when he bid for Position #014. The Carrier contends this certification was a prerequisite for appointment to the position. Our review of the record supports a finding the Carrier properly denied the Claimant Position #014 based upon his failure to meet the requirement of possessing AAR certification.

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Award No. 11148
Docket No. 10410
2-C&NW-CM-'87

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 11th day of February 1987.