

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

Parties to Dispute: { System Federation No. 42, Railway Employees'
 { Department, A. F. of L. - C. I. O.
 { (Firemen & Oilers)
 { Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That under the Current and Controlling Agreement, Laborer C. E. Raulerson, Seaboard Coast Line Railroad Company, was unjustly suspended from the service of the Seaboard Company on March 11, 1977, after he sustained a back injury while attempting to pick up a striker casting for a freight car. Mr. Raulerson was removed from service of the Seaboard Coast Line Railroad Company by Mr. O. G. Wood, Shop Superintendent at Waycross, Georgia.
2. That accordingly, Laborer C. E. Raulerson be restored to his assignment at Waycross, Georgia Shops with all seniority rights unimpaired, vacation, health and welfare, hospital and life insurance be paid and be compensated for all time lost, effective March 11, 1977, at the pro-rata rate of pay.

Findings:

The Second 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 waived right of appearance at hearing thereon.

Claimant was employed by the Carrier as a laborer on January 19, 1977. By letter dated March 11, 1977 the Claimant was advised that he was being terminated because his performance was not satisfactory.

Rule 31(c) of the Schedule Agreement provided, in effect, that a new employee is on a probationary status for sixty days during which time the new employee may be terminated.

Rule 31(c) of the Schedule Agreement reading as follows:

"(c) The application of an employee entering the service will be approved or rejected within sixty days after commencing work. When an applicant is not notified to the contrary within sixty days, it will be understood that his application has been approved. If his application is not approved, he can be removed from the service during this sixty-day period without an investigation."

The Carrier's discretion in exercising its prerogative under this rule is broad. Absent a showing that the Carrier acted in an arbitrary and capricious manner in disapproving an application we will not interfere with decision of the Carrier. No such showing was made in the instant case. We will deny the claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of November, 1979.