

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

Parties to Dispute: (Brotherhood Railway Carmen of the United States and Canada
(Norfolk and Western Railway Company

Dispute: Claim of Employees:

1. That the Norfolk and Western Railway Company violated the controlling Agreement when Carmen E. K. Snowden was disqualified as a Carman-Welder, effective October 17, 1980, and disqualification was reaffirmed by the carrier on December 19, 1980, as a result of investigation held on November 10, 1980, at Brewster, Ohio:
2. That the Norfolk and Western Railway Company be ordered to return Carman E. K. Snowden to his former job class Carman-Welder, and that he be paid for his lost wages from October 17, 1980, up until such time as he is returned to said class--that is, .06¢ an hour, eight (8) hours a day, which is equal to .48¢ per day.

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.

This dispute involves the disqualification of the Claimant as a Carman-Welder. The Claimant had passed the Carrier's initial examination to become a Welder in October 1977. However, subsequent to an investigation on November 10, 1980, the Carrier determined that the quality of the Claimant's work was not of the necessary level and it disqualified him as a Welder.

Certain procedural objections have been raised by the Carrier. We find, in this instance, that the interests of the parties would be best served by addressing the merits.

The Board has thoroughly reviewed the voluminous record and the well-stated arguments of both parties contained therein. While the Organization's contentions that the Carrier had qualified the Claimant as a Welder is factual, this action on the part of the Carrier does not constrain it from later making disqualification decisions, if there is a reasonable basis for such a decision. We find that evidence adduced at the investigation, which to a great degree includes the Claimant's own testimony, provides substance to the Carrier's decision, with respect to the quality of the Claimant's work. The Board also notes that the Claimant had been put on reasonable notice by his Supervisors as to his workmanship prior to the time he was disqualified.

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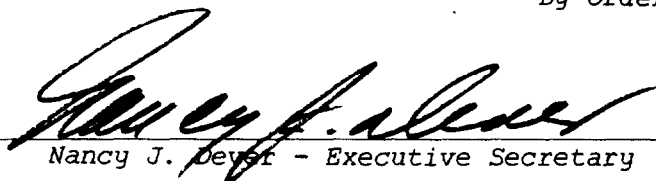
However, given that the Carrier at one time had determined that the Claimant possessed the necessary skills and ability to perform as a Welder, the Board finds that the Claimant should be provided another opportunity to take the welding qualification test, to be administered at an appropriate time, as established by the discretion of the Carrier.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 10th day of April 1985.