

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISIONAward No. 12730  
Docket No. 12525  
94-2-92-2-51

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

(Brotherhood Railway Carmen Division  
(Transportation-Communications International  
(Union, AFL-CIO  
PARTIES TO DISPUTE: (  
(Chicago & North Western Transportation Co.

STATEMENT OF CLAIM:

- "1. Carman Roger Mitchell, Butler Yards, Wisconsin, was deprived of work and wages to which he was entitled when the Chicago and North Western Transportation Company violated Rules 14, 16, and 20 of the controlling Agreement when he was unfairly disqualified from Position #038 and improperly assigned his seniority date at Butler, Wisconsin.
2. Accordingly, Carman Roger Mitchell be compensated eight (8) hours pay at the straight time rate from the date of his disqualification on July 23, 1990 to the date of his return to service at Butler Yards and also be compensated from July 26, 1990 to the date of his correct placement on the Butler seniority roster."

FINDINGSS:

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.

In the 18 year period prior to the date of Claim, Carman Mitchell had been employed at various locations on Carrier's property. This entire employment had been in car shops under the supervision of a Foreman. In October, 1989, Claimant was furloughed at Carrier's Clinton, Iowa Shops. Thereafter he transferred to Cudahy, Wisconsin, under the terms of Rule 20, where he continued to perform the same duties as those previously performed at Clinton. In July, 1990, Claimant was furloughed at Cudahy and transferred to Butler, Wisconsin, where he displaced unto a Car Inspector's job, in the Yard. In this assignment Claimant was required to work alone, inspecting trains and cars for defects, and make air tests on outbound trains. Five days after displacing on the Car Inspector's job Claimant was disqualified on the basis that he did not possess the necessary fitness and ability to perform the duties of the assignment. Within a week following the disqualification at Butler, Claimant responded to recall in the Car Shop at Clinton.

The Organization has brought this matter to the Board on two basis. First that Claimant was given a wrong seniority date at Butler, and, second he was not afforded ample time to demonstrate fitness and ability for the Car Inspector position. The seniority claim is moot. When Claimant accepted recall at Clinton he forfeited his seniority at Butler, under the explicit requirements of Rule 20 (c). No purpose would be served in adjusting Claimant's seniority date on a roster on which he no longer has seniority rights.

On the matter of disqualification, the Organization stresses that Claimant had 18 years Carman experience and this alone indicates that he was capable of doing the work of a Car Inspector. The Board disagrees. Not only must it be demonstrated that Claimant had Carman experience, it must also be demonstrated that he was qualified to do the work of a Car Inspector. It cannot be disputed that while individuals working as Carman in Yards and individuals working as Carman in Shops are both classified as journeymen mechanics the work involved in the two situations are different. Qualifications in one area, do not, per se, mean automatic qualification in the other.

Carrier made a determination, after five days, that Claimant was not qualified as a Car Inspector. Claimant has offered no evidence of substance to demonstrate that he was qualified. Instead what was offered was argument that 18 years experience as Shop Carman should be accepted without challenge. This is not specific to overcome the disqualification. It will not be disturbed.

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AWARD

Claim denied.

O R D E R

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 Second Division

Dated at Chicago, Illinois, this 18th day of August 1994.