

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award **Number** 21931
Docket Number CL-21804

James F. **Scearce**, Referee

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Empress and Station **Employees**
PARTIES TO DISPUTE: (
(The Denver and Rio **Grande** Western
(Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood,
GL-8254, that:

1. Carrier was unreasonable and unjust in its decision to disqualify Mrs. M. A. Miller on her bid for Job No. 624, Bulletin No. 18, dated August 15, 1975.

2. Carrier shall now be required to place Mrs. Miller on Job No. 624 and compensate her for any loss in pay.

OPINION OF BOARD: This dispute centers on **Carrier's** disqualification of **Claimant** from her bid on Job Number 624, Station Accounts Clerk, on August 15, 1975.

In deciding these fitness and ability cases, we have refused to set aside the decision of Carrier if there is substantial evidence in the record which shows the decision was made on valid reasons and was not arbitrary or capricious. Further, **we** have held that **when an employe** asserts the necessary qualifications for a position, it is that **employe's** burden to prove that he or she possessed basic qualifications for the position.

Applying these principles to the facts of this record, we have concluded that Carrier's judgment to not accept the Claimant's bid for position No. 624 was based on valid reasons and was not arbitrary or capricious. There was substantial evidence introduced by Carrier during the hearing establishing that while Claimant had worked this position on a temporary basis, she had been unable to perform even the routine duties of the assignment without constant supervision-and, notwithstanding the fact that she was given more than sufficient instructions and assistance, was unable to correctly perform the duties of the job. Hence, we think Carrier's decision was sound and we find nothing in the record which Claimant had introduced during the hearing evidencing that she was qualified or that Carrier's decision was arbitrary or capricious.

Accordingly, we will deny the claim.

FINDINGS: The Third Division **of the** Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

The Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD **ADJUSTMENT** BOARD
By Order of Third Division

ATTEST:

A. W. Paulsen
Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1978.

