

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23497
Docket Number CL-23362

Joseph A. Sickles, Referee

(Brotherhood of **Railway**, Airline and Steamship Clerks,
(Freight **Handlers, Express** and Station **Employees**
PARTIES TO DISPUTE: (
(**Illinois Central Gulf Railroad**

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood
(m-8977) **that :**

1. **Company violated** the Agreement between the Parties when on October 21, 1977 it **awarded** Position No. 258, PAL (Passenger **Assistance Link**) **Operator** to Clerk Wanda Sukta, junior in seniority to **Claimant Julie A. Leslie**, in violation of Rules 6, 8 and 10, among others, of the **Clerks' Agreement**.

2. Company shall now be required to compensate **Claimant for each and every workday** at the rate of \$55.32 per day for Position No. 258, PAL **Operator**, until **this claim** is resolved beginning October 21, 1977.

OPINION OF BOARD: The instant case deals with a fitness **and** ability dispute; involving Rules 6, 8 and 10 of the **Agreement** between the **parties**.

The **Claimant** was not assigned to a "Passenger Assistance Link **Operator**" position when it was open for bid in October, 1977. **Instead, a junior employe was assigned.**

The **Claimant** argues that she should have been awarded the position because she **had** sufficient fitness and ability and had nine (9) **days'** training on the position' eighteen **months** earlier. **Carrier** contends that nine (9) **days'** training eighteen months earlier was insufficient to qualify on a "PAL" position **because** (1) the length of training was **insufficient** and (2) the character of the **position has** changed in the eighteen **month** interval **since** Claimant had **trained on the position**.

There is **no** proof in the Record that the nine (9) day training period **Claimant** participated in some eighteen months prior to seeking the assignment **did, in fact, qualify her for the assignment**. Additionally, there is **no** proof in the Record that **Claimant** was qualified for the position as it existed, not at the time of training, but at the time of the contemplated assignment. In view of this proof deficiency, the **claim will be denied**.

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Docket Number CL-23362

Page 2

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

That 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 8th day of January 1982.

